THE WORKS

OF

FRANCIS BACON,

Lord Chancellor of England.

A NEW EDITION:

WITH A LIFE OF THE AUTHOR,

BY

BASIL MONTAGU, ESQ.

IN THREE VOLUMES.

VOL. III.

PHILADELPHIA:
CAREY AND HART,
1842.

Stereotyped by L. Johnson.

C. SHERMAN AND CO., PRINTERS,
19, ST. JAMES STREET, PHILADELPH

CONTENTS OF VOL. III.

CONTENTS.

LETTERS FROM THE BRITISH MUSEUM.

LAW-TRACTS.

THE ELEMENTS OF THE COMMON LAWS OF ENGLAND.

THE MAXIMS OF THE LAW.

THE GREAT INSTAURATION OF LORD BACON.

SECOND PART OF THE GREAT INSTAURATION.



LORD BACON'S WORKS.

LETTERS FROM THE CABALA.

SIR FRANCIS BACON TO THE LORD TREASURER, CONCERNING THE SOLICITOR'S PLACE.

AFTER the remembrance of my humble duty, though I know, by late experience, how mindful your lordship vouchsafeth to be of me and my poor fortune, and since it pleased your lordship, during my indisposition, and when her majesty came to visit your lordship, to make mention of me for my employment and preferment; yet being now in the country, I do presume that your lordship, who of yourself had an honourable care of the matter, will not think it a trouble to be solicited therein. My hope is this, that whereas your lordship told me her majesty was somewhat gravelled upon the offence she took at my speech in parliament; your lordship's favourable endeavour, who hath assured me that for your own part you construe that I spake to the best, will be as a good tide to remove her from that shelve. And it is not unknown to your good lordship, that I was the first of the ordinary sort of the Lower House that spake for the subsidy: and that which I after spake in difference, was but in circumstance of time, which methinks was no great matter, since there is variety allowed in counsel, as a discord in music, to make it more perfect.

But I may justly doubt, her majesty's impression upon this particular, as her conceit otherwise of my insufficiency and unworthiness, which, though I acknowledge to be great, yet it will be the less, because I purpose not to divide myself between her majesty and the causes of other men, as others have done, but to attend her business only: hoping that a whole man meanly able, may do as well as half a man better able. And if her majesty thinketh that she shall make an adventure in using one that is rather a man of study than of practice and experience, surely I may remember to have heard that my father, an example, I confess, rather ready than like, was made solicitor of the augmentation, a court of much business, when he had never practised, and was but twenty-seven years old; and Mr. Brograve was now in my time called attorney of the duchy, when he had practised little or nothing, and yet hath discharged his place with great sufficiency. But those and the like things are as her majesty shall be made capable of them; wherein, knowing what authority your lordship's commendations have with her majesty, I conclude with myself, that the substance of strength which I may receive, will be from your lordship. It is true, my life hath been so private, as I have had no means to do your lordship service; but yet, as your lordship knoweth, I have made offer of such as I could yield; for, as God hath given me a mind to love the public, so, incidently, I have ever had your lordship in singular admiration; whose happy ability her majesty hath so long used, to her great honour and yours. Besides, that amendment of state or countenance, which I have received, hath been from your lordship. And, therefore, if your lordship shall stand a good friend to your poor ally, you shall but "tueri opus" which you have begun. And your lordship shall bestow your benefit upon one that hath more sense of obligation than of self-love. Thus humbly desiring pardon of so long a letter, I wish your lordship all happiness.

Your lordship's in all humbleness to be commanded.

FR. BACON.

June 6, 1595.

SIR FRANCIS BACON TO THE LORD TREASURER BURGHLEY.

MY LORD,

With as much confidence as mine own honest and faithful devotion unto your service, and your honourable correspondence unto me and my poor estate can breed in a man, do I commend myself unto your lordship. I wax now somewhat ancient; one-and-thirty years is a great deal of sand in the hour-glass. My health, I thank God, I find confirmed; and I do not fear that action shall impair it: because I account my ordinary course of study and meditation to be more painful than most parts of action are. I ever bear a mind, in some middle place that I could discharge, to serve her majesty; not as a man born under Sol, that loveth honour; nor under Jupiter, that loveth business, for the

contemplative planet carrieth me away wholly: but as a man born under an excellent sovereign, that deserveth the dedication of all men's abilities. Besides, I do not find in myself so much self-love, but that the greater parts of my thoughts are to deserve well, if I were able, of my friends, and namely of your lordship; who being the Atlas of this commonwealth, the honour of my house, and the second founder of my poor estate, I am tied by all duties, both of a good patriot, and of an unworthy kinsman, and of an obliged servant, to employ whatsoever I am, to do you service. Again, the meanness of my estate doth somewhat move me: for though I cannot accuse myself, that I am either prodigal or slothful, yet, my health is not to spend, nor my course to get. Lastly, I confess that I have as vast contemplative ends, as I have moderate civil ends: for I have taken all knowledge to be my providence;* and if I could purge it of two sorts of rovers, whereof the one with frivolous disputations, confutations, and verbosities: the other with blind experiments and auricular traditions and impostures, hath committed so many spoils; I hope I should bring in industrious observations, grounded conclusions, and profitable inventions and discoveries; the best state of that providence.* This, whether it be curiosity, or vainglory, or nature, or, if one take it favourably, philanthropia, is so fixed in my mind, as it cannot be removed. And I do easily see, that place of any reasonable countenance doth bring commandment of more wits than of a man's own, which is the thing I greatly affect. And for your lordship, perhaps, you shall not find more strength and less encounter in any other. And if your lordship shall find now, or at any time, that I do seek or affect any place, whereunto any that is nearer unto your lordship shall be concurrent, say then that I am a most dishonest man. And if your lordship will not carry me on, I will not do as Anaxagoras did, who reduced himself with contemplation unto voluntary poverty: but this I will do, I will sell the inheritance that I have, and purchase some lease of quick revenue, or some office of gain, that shall be executed by deputy, and so give over all care of service, and become some sorry bookmaker, or a true pioneer in that mine of truth, which, he said, lay so deep. This which I have writ unto your lordship, is rather thoughts than words, being set down without all art, disguising, or reservation: wherein I have done honour both to your lordship's wisdom, in judging that that will be best believed of your lordship which is truest; and to your lordship's good nature, in retaining nothing from you, And even so, I wish your lordship all happiness, and to myself means and occasion to be added to my faithful desire to do you service.

From my lodging at Gray's Inn.

* Province.

SIR FRANCIS BACON TO THE LORD TREASURER BURGHLEY.

MY SINGULAR GOOD LORD,

Your lordship's comfortable relation of her majesty's gracious opinion and meaning towards me, though at that time your leisure gave me not leave to show how I was affected therewith; yet upon every representation thereof it entereth and striketh more deeply into me, as both my nature and duty presseth me to return some speech of thankfulness. It must be an exceeding comfort and encouragement to me, setting forth and putting myself in way towards her majesty's service, to encounter with an example so private and domestical, of her majesty's gracious goodness and benignity; being made good and verified in my father, so far forth, as it extendeth to his posterity.

Accepting them as commended by his service, during the nonage, as I may term it, of their own deserts; I, for my part, am very well content, that I take least part, either of his abilities of mind, or of his worldly advancement; both which he held and received, the one of the gift of God immediately, the other of her majesty's gift; yet, in the loyal and earnest affection which he bare to her majesty's service, I trust my portion shall not be with the least: nor in proportion with the youngest birth. For methinks his precedent should be a silent charge upon his blessing unto us all, in our degrees, to follow him afar off, and to dedicate unto her majesty's service both the use and spending of our lives. True it is, that I must needs acknowledge myself prepared and furnished thereunto with nothing but with a multitude of lacks and imperfections; but calling to mind how diversely, and in what particular providence God hath declared himself to tender the state of her majesty's affairs, I conceive and gather hope, that those whom he hath in a manner pressed for her majesty's service, by working and imprinting in them a single and zealous mind to bestow their duties therein; he will see them accordingly appointed of sufficiency convenient for the rank and standing where they shall be employed: so as, under this her majesty's blessing, I trust to receive a larger allowance of God's graces. And as I may hope for this, so I can assure and promise for my endeavour, that it shall not be in fault; but what diligence can entitle me unto, that I doubt not to recover. And now seeing it hath pleased her majesty to take knowledge of this my mind, and to vouchsafe to appropriate me unto her service, preventing any desert of mine with her princely liberality; first, I humbly do beseech your lordship, to present to her majesty my more than humble thanks for the same. and withal, having regard to mine own unworthiness to receive such favour, and to the small possibility in me to satisfy and answer what her majesty conceiveth, I am moved to become a most humble

suitor to her majesty, that this benefit also may be affixed unto the other; which is, that if there appear in me no such towardness of service, as i may be her majesty doth benignly value and assess me at, by reason of my sundry wants, and the disadvantage of my nature, being unapt to lay forth the simple store of those inferior gifts which God hath allotted unto me, most to view: yet that it would please her excellent majesty, not to account my thankfulness the less, for that my disability is great to show it; but to sustain me in her majesty's gracious opinion, whereupon I only rest, and not upon any expectation of desert to proceed from myself towards the contentment thereof. But if it shall please God to send forth an occasion whereby my faithful affection may be tried, I trust it shall save me labour for ever making more protestation of it hereafter. In the mean time, howsoever it be not made known to her majesty, yet God knoweth it, through the daily solicitations wherewith I address myself unto him, in unfeigned prayer, for the multiplying of her majesty's prosperities. To your lordship, also, whose recommendation, I know right well, hath been material to advance her majesty's good opinion of me, I can be but a bounden servant. So much may I safely promise, and purpose to be, seeing public and private bonds vary not, but that my service to her majesty and your lordship draw in line. I wish, therefore, to show it with as good proof, as I can say it in good faith, etc.

Your lordship's, etc.

TWO LETTERS FRAMED, ONE AS FROM MR. ANTHONY BACON TO THE EARL OF ESSEX, THE OTHER, AS THE EARL'S ANSWER.

MY SINGULAR GOOD LORD,

This standing at a stay doth make me, in my love towards your lordship, jealous, lest you do somewhat, or omit somewhat, that amounteth to a new error; for I suppose, that of all former matters there is a full expiation; wherein, for any thing which your lordship doth, I, for my part, (who am remote,) cannot cast or devise wherein my error should be, except in one point, which I dare not censure nor dissuade; which is, that as the prophet saith, in this affliction you look up "ad manum percutientem," and so make your peace with God. And yet I have heard it noted, that my Lord of Leicester, who could never get to be taken for a saint, yet in the queen's disfavour waxed seeming religious. Which may be thought by some, and used by others, as a case resembling yours, if men do not see, or will not see, the difference between your two dispositions. But, to be plain with your lordship, my fear rather is, because I hear how some of your good and wise friends, not unpractised in the court, and supposing themselves not to be unseen in that deep and inscrutable centre of the court, which is her majesty's mind, do not only toll the bell, but even ring out peals, as if your fortune were dead and buried, and as if there were no possibility of recovering her majesty's favour; and as if the best of your condition were to live a private and retired life, out of want, out of peril, and out of manifest disgrace. And so, in this persuasion to your lordship-wards, to frame and accommodate your actions and mind to that end; I fear, I say, that this untimely despair may in time bring forth a just despair, by causing your lordship to slacken and break off your wise, loyal, and seasonable endeavour and industry for redintegration to her majesty's favour, in comparison whereof, all other circumstances are but as atomi, or rather as a vacuum, without any substance at all.

Against this opinion, it may please your lordship to consider of these reasons, which I have collected; and to make judgment of them, neither out of the melancholy of your present fortune nor out of the infusion of that which cometh to you by others' relation, which is subject to much tincture, but "ex rebus ab ipsis," out of the nature of the persons and actions themselves, as the truest and less deceiving ground of opinion. For, though I am so unfortunate as to be a stranger to her majesty's eye, much more to her nature and manners, yet by that which is extant I do manifestly discern, that she hath that character of the divine nature and goodness, as "quos amavit, amavit usque ad finem;" and where she hath a creature, she doth not deface nor defeat it: insomuch as, if I observe rightly, in those persons whom heretofore she hath honoured with her special favour, she hath covered and remitted, not only defections and ingratitudes in affection, but errors in state and service.

2. If I can, scholar-like, spell and put together the parts of her majesty's proceedings now towards your lordship, I cannot but make this construction: that her majesty, in her royal intention, never purposed to call your doings into public question, but only to have used a cloud without a shower, and censuring them by some restraint of liberty, and debarring from her presence. For both the handling the cause in the Star Chamber was enforced by the violence of libelling and rumours, wherein the queen thought to have satisfied the world, and yet spared your appearance. And then after, when that means, which was intended for the quenching of malicious bruits, turned to kindle them, because it was said your lordship was condemned unheard, and your lordship's sister wrote that private letter, then her majesty saw plainly, that these winds of rumours could not be commanded down, without a handling of the cause, by making you party, and admitting your defence. And to this purpose, I do assure your lordship, that my brother, Francis Bacon, who is too wise to be abused, though he be both reserved

in all particulars more than is needful, yet in generality he hath ever constantly, and with asseveration, affirmed to me, that both those days, that of the Star Chamber, and that at my lord keeper's, were won of the queen, merely upon necessity and point of honour, against her own inclination.

3. In the last proceeding, I note three points, which are directly significant, that her majesty did expressly forbear any point which was irrecuperable, or might make your lordship in any degree incapable of the return of her favour, or might fix any character indelible of disgrace upon you: for she spared the public places, which spared ignominy; she limited the charge precisely, not to touch disloyalty, and no record remaineth to memory, of the charge or sentence.

4. The very distinction which was made in the sentence of sequestration, from the places of service in state, and leaving to your lordship the place of master of the horse, doth, in my understanding, point at this, that her majesty meant to use your lordship's attendance in court, while the exercises of other places stood suspended.

5. I have heard, and your lordship knoweth better, that now since you were in your own custody, her majesty, "in verbo regio," and by his mouth to whom she committeth her royal grants and decrees, hath assured your lordship, she will forbid and not suffer your ruin.

6. As I have heard her majesty to be a prince of that magnanimity, that she will spare the service of the ablest subject or peer, where she shall be thought not to stand in need of it; so she is of that policy, as she will not blaze the service of a meaner than your lordship, where it shall depend merely upon her choice and will.

7. I held it for a principle, that those diseases are hardest to cure, whereof the cause is obscure; and those easiest, whereof the cause is manifest. Whereupon I conclude, that since it hath been your errors in your lowness towards her majesty which have prejudiced you, that your reforming and conformity will restore you, so as you may be "faber fortunæ propriæ."

Lastly, considering your lordship is removed from dealing in causes of state, and left only to a place of attendance, methinks the ambition of any which can endure no partners in state matters may be so quenched, as they should not laboriously oppose themselves to your being in court. So as, upon the whole matter, I cannot find, neither in her majesty's person, nor in your own person, nor in any third person, neither in former precedents, nor in your own case, any cause of peremptory despair. Neither do I speak this, but that if her majesty out of her resolution should design you to a private life, you should be as willing, upon the appointment, to go into the wilderness, as into the land of promise; only I wish that your lordship will not despair, but put trust (next to God) in her majesty's grace, and not be wanting to yourself. I know your lordship may justly interpret, that this which I persuade may have some reference to my particular, because I may truly say, "tu stante non virebo;" for I am withered in myself; but manebo, or tenebo, I should in some sort be or hold out. But though your lordship's years and health may expect return of grace and fortune, yet your eclipse for a time is an "ultimum vale" to my fortune: And were it not that I desired and hope to see my brother established by her majesty's favour, as I think him well worthy for that he hath done and suffered, it were time I did take that course from which I dissuade your lordship. Now, in the mean time, I cannot choose but perform those honest duties unto you, to whom I have been so deeply bound, etc.

THE EARL OF ESSEX'S ANSWER TO MR. ANTHONY BACON'S LETTER.

Mr. Bacon,

I thank you for your kind and careful letter, it persuadeth that which I wish for strongly, and hope for weakly, that is, possibility of restitution to her majesty's favour; your arguments that would cherish hope, turn into despair: you say the queen never meant to call me to public censure, which showeth her goodness; but you see I passed it, which showeth others' power. I believe most steadfastly, her majesty never intended to bring my cause to a public censure: and I believe as verily, that since the sentence she meant to restore me to tend upon her person: but those which could use occasions, (which it was not in me to let,) and amplify and practise occasions to represent to her majesty a necessity to bring me to the one, can and will do the like to stop me from the other. You say, my errors were my prejudice, and therefore I can mend myself. It is true; but they that know that I can mend myself, and that if I ever recover the queen, that I will never loose her again, will never suffer me to obtain interest in her favour: and you say, the queen never forsook utterly where she hath inwardly favoured; but know not whether the hourglass of time hath altered her; but sure I am, the false glass of others' informations must alter her, when I want access to plead mine own cause. I know I ought doubly, infinitely to be her majesty's, both "jure creationis," for I am her creature: and "jure redemptionis," for I know she hath saved me from overthrow. But for her first love, and for her last protection, and all her great benefits, I can but pray for her majesty; and my endeavour is now to make my prayers for her and myself better heard. For, thanks be to God, that they which can make her majesty believe I counterfeit with her, cannot make God believe that I

counterfeit with him; and they that can let me from coming near to her, cannot let me from drawing nearer to him, as I hope I do daily. For your brother, I hold him an honest gentleman, and wish him all good, much rather for your sake; yourself, I know, hath suffered more for me, and with me, than any friend that I have: but I can but lament freely, as you see I do, and advise you not to do that I do, which is, to despair. You know letters what hurt they have done me, and therefore make sure of this; and yet I could not, as having no other pledge of my love, but communicate openly with you for the ease of my heart and yours.

Your loving friend,

R. Essex.

SIR FRANCIS BACON TO THE EARL OF SALISBURY, CONCERNING THE SOLICITOR'S PLACE.

May it please your Lordship,

I am not privy to myself of any such ill deserving towards your lordship, as that I should think it an imprudent thing to be a suitor for your favour in a reasonable matter, your lordship being to me as (with your good favour) you cannot cease to be: but rather it were a simple and arrogant part in me to forbear it.

It is thought Mr. Attorney shall be chief justice of the Common-place; in case Mr. Solicitor rise, I would be glad now at last to be solicitor: chiefly because I think it will increase my practice, wherein God blessing me a few years, I may mend my state, and so after fall to my studies and ease; whereof one is requisite for my body, and the other serveth for my mind; wherein if I shall find your lordship's favour, I shall be more happy than I have been, which may make me also more wise. I have small store of means about the king, and to sue myself is not fit; and therefore I shall leave it to God, his majesty, and your lordship: for I must still be next the door. I thank God, in these transitory things I am well resolved. So, beseeching your lordship not to think this letter the less humble, because it is plain, I rest, etc.

Fr. Bacon.

SIR FRANCIS BACON TO THE EARL OF ESSEX, WHEN SIR ROBERT CECIL WAS IN FRANCE.

My singular good Lord,

I do write, because I have not yet had time fully to express my conceit, nor now, to attend you touching Irish matters, considering them as they may concern the state; that it is one of the aptest particulars that hath come, or can come upon the stage, for your lordship to purchase honour upon, I am moved to think for three reasons; because it is ingenerate in your house in respect of my lord your father's noble attempts; because, of all the accidents of state at this time, the labour resteth upon that most; and because the world will make a kind of comparison between those that set it out of frame, and those that shall bring it into frame: which kind of honour giveth the quickest kind of reflection. The transferring this honour upon yourself consisteth in two points: the one, if the principal persons employed come in by you, and depend upon you; the other if your lordship declare yourself to undertake a care of that matter. For the persons, it falleth out well that your lordship hath had no interest in the persons of imputation: For neither Sir William Fitz-Williams, nor Sir John Norris was yours: Sir William Russel was conceived yours, but was curbed: Sir Coniers Clifford, as I conceive it, dependeth upon you, who is said to do well; and if my Lord of Ormond in this interim do accommodate well, I take it he hath always had good understanding with your lordship. So as all things are not only whole and entire, but of favourable aspect towards your lordship, if you now choose well: wherein, in your wisdom, you will remember there is a great difference in choice of the persons, as you shall think the affairs to incline to composition, or to war. For your caretaking, popular conceit hath been, that Irish causes have been much neglected, whereby the very reputation of better care will be a strength: and I am sure, her majesty and my lords of the council do not think their care dissolved, when they have chosen whom to employ; but that they will proceed in a spirit of state, and not leave the main point to discretion. Then, if a resolution be taken; a consultation must proceed; and the consultation must be governed upon information to be had from such as know the place, and matters in fact; and in taking of information I have always noted there is a skill and a wisdom. For I cannot tell what account or inquiry hath been taken of Sir William Russel, of Sir Ralph Bingham, of the Earl of Thomond, of Mr. Wilbraham: but I am of opinion, much more would be had of them, if your lordship shall be pleased severally to confer, not obiter, but expressly, upon some caveat given them to think of it before, for, "bene docet qui prudenter interrogat." For the points of opposing them, I am too much a stranger to the business to deduce them: but in a topic methinks the pertinent interrogations must be either of the possibility and means of accord, or of the nature of the war, or of the reformation of the particular abuses, or of the joining of practice with force in the disunion of the rebels. If your lordship doubt to put your sickle in other men's harvests, yet consider you have these advantages. First, time being fit to you in Mr. Secretary's absence: next, "vis unita fortior:" thirdly, the business being mixed with matters of war, it is fittest for you: lastly, I know your lordship will carry it with that modesty and respect towards aged dignity, and

that good correspondence towards my dear ally, and your good friend, now abroad, as no inconvenience may grow that way. Thus have I played the ignorant statesman, which I do to nobody but your lordship, except I do it to the queen sometimes, when she trains me on. But your lordship will accept my duty and good meaning, and secure me touching the privateness of that I write.

Your lordship's to be commanded,
FR. BACON.

SIR FRANCIS BACON TO THE EARL OF ESSEX, CONCERNING THE EARL OF TYRONE.

THOSE advertisements which your lordship imparted to me, and the like, I hold to be no more certain to make judgment upon than a patient's water to a physician: therefore for me upon one water to make a judgment, were indeed like a foolish bold mountebank, or Dr. Birket, yet, for willing duty's sake, I will set down to your lordship what opinion sprung in my mind upon that I read. The letter from the council there, leaning to distrust, I do not much rely upon, for three causes. First, because it is always both the grace and the safety from blame of such a council to err in caution: whereunto add, that it may be they, or some of them, are not without envy towards the person who is used in treating the accord. Next, because the time of this treaty hath no show of dissimulation, for that Tyrone is now in no streights, but like a gamester that will give over because he is a winner, not because he hath no more money in his purse.

Lastly, I do not see but those articles whereon they ground their suspicion, may as well proceed out of fear as out of falsehood, for the retaining of the dependence of the protracting the admission of a sheriff, the refusing to give his son for hostage, the holding from present repair to Dublin, the refusing to go presently to accord, without including O'Donnell, and others his associates, may very well come of a guilty reservation, in case he should receive hard measure, and not out of treachery; so as if the great person be faithful, and that you have not here some present intelligence of present succours from Spain, for the expectation whereof Tyrone would win time, I see no deep cause of distrusting the cause if it be good. And for the question, her majesty seemeth to me a winner three ways: first, her purse shall have rest; next, it will divert the foreign designs upon that place: thirdly, though her majesty is like for a time to govern precario in the north, and be not in true command in better state there than before, yet, besides the two respects of ease of charge, and advantage of opinion abroad, before mentioned, she shall have a time to use her princely policy in two points: in the one, to weaken by division and disunion of the heads; the other, by recovering and winning the people by justice, which of all other causes is the best. Now for the Athenian question, you discourse well, "Quid igitur agendum est?" I will shoot my fool's bolt, since you will have it so. The Earl of Ormond to be encouraged and comforted above all things, the garrisons to be instantly provided for; for opportunity makes a thief: and if he should mean never so well now, yet such an advantage as the breaking of her majesty's garrisons, might tempt a true man. And because he may as well waver upon his own inconstancy, as upon occasion, and want of variableness is never restrained but with fear, I hold it necessary to be menaced with a strong war; not by words, but by musters and preparations of forces here, in case the accord proceed not; but none to be sent over, lest it disturb the treaty, and make him look to be overrun as soon as he hath laid down arms. And, but that your lordship is too easy to pass, in such cases, from dissimulation to verity, I think, if your lordship lent your reputation in this case, it is to pretend, that if not a defensive war, as in times past, but a full reconquest of those parts of the country be resolved on, you would accept the charge, I think it would help to settle him, and win you a great deal of honour gratis. And that which most properly concerneth this action, if it prove a peace, I think her majesty shall do well to cure the root of the disease, and to profess by a commission of peaceable men chiefly of respect and countenance, the reformation of abuses, extortions and injustices there, and to plant a stronger and surer government than heretofore, for the ease and protection of the subject; for the removing of the sword, or government in arms, from the Earl of Ormond, or the sending of a deputy, which will eclipse it, if peace follow, I think unseasonable. Lastly, I hold still my opinion, both for your better information, and your fuller declaration of your care, and evermore meriting service, that your lordship have a set conference with the persons I named in my former writing. I rest,

At your lordship's service,
FR. BACON.

ANOTHER TO THE EARL BEFORE HIS GOING TO IRELAND.

MY SINGULAR GOOD LORD,

Your note of my silence in your occasions hath made me set down these few wandering lines, as one that would say somewhat, and can say nothing touching your lordship's intended charge for Ireland; which my endeavour I know your lordship will accept graciously and well, whether your lordship take it by the handle of the occasion ministered from yourself, or of the affection from which it proceedeth. Your lordship is designed

to a service of great merit and great peril; and as the greatness of the peril must needs include no small consequence of peril, if it be not temperately governed; so all immoderate success extinguisheth merit, and stirreth up distaste and envy, the assured forerunner of whole changes of peril. But I am at the last point first, some good spirit leading my pen to presage your lordship's success; wherein it is true, I am not without my oracle and divinations, none of them superstitious, and yet not all natural: for, first, looking into the course of God's providence in things now depending, and calling into consideration how great things God hath done by her majesty, and for her collect he hath disposed of this great dissection in Ireland, whereby to give an urgent occasion to the reduction of that whole kingdom, as upon the rebellion of Desmond there ensued the reduction of that province. Next, your lordship goeth against three of the unluckiest vices of all other, disloyalty, ingratitude, and insolence; which three offences in all examples have seldom their doom adjourned to the world to come. Lastly, he that shall have had the honour to know your lordship inwardly, as I have had, shall find "bona exta," whereby he may better ground a divination of good, than upon the dissection of a sacrifice. But that part I leave, for it is fit for others to be confident upon you, and you to be confident upon the cause, the goodness and justice whereof is such as can hardly be matched in any example, it being no ambitious war of foreigners, but a recovery of subjects, and that after lenity of conditions often tried; and a recovery of them not only to obedience, but to humanity and policy, from more than Indian barbarism. There is yet another kind of divination familiar in matters of state, being that which Demosthenes so often relieth upon in his time, where he saith, that which for the time past is worst of all, is for the time to come the best, which is, that things go ill not by accident but by error; wherein though your lordship hath been a waking censor, yet, you must look for no other now, but "medice, cura teipsum;" and although your lordship shall not be the blessed physician that cometh to the declination of the disease, yet, you embrace that condition which many noble spirits have accepted for advantage, which is, that you go upon the greater peril of your fortune, and the less of your reputation; and so the honour countervaileth the adventure; of which honour your lordship is in no small possession, when that her majesty, known to be one of the most judicious princes in discerning of spirits that ever governed, hath made choice of you merely out of her royal judgment, (her affection inclining rather to continue your attendance,) into whose hands and trust to put the commandment and conduct of so great forces, the gathering in the fruit of so great charge, the execution of so many councils, the redeeming of the defaults of so many former governors, and the clearing the glory of so many happy years' reign, only in this part excepted. Nay, farther, how far forth the peril of that state is interlaced with the peril of England; and, therefore, how great the honour is to keep and defend the approaches of this kingdom, I hear many discourse; and indeed there is a great difference, whether the tortoise gather herself into her shell hurt or unhurt; and if any man be of opinion, that the nature of an enemy doth extenuate the honour of a service, being but a rebel and a savage, I differ from him; for I see the justest triumphs that the Romans in their greatest greatness did obtain, and that whereof the emperors in their styles took additions and denominations, were of such an enemy; that is, people barbarous, and not reduced to civility, magnifying a kind of lawless liberty, prodigal of life, hardened in body, fortified in woods and bogs, placing both justice and fecility in the sharpness of their swords. Such were the Germans and ancient Britons, and divers others. Upon which kind of people, whether the victory be a conquest, or a reconquest upon a rebellion or revolt, it made no difference that ever I could find, in honour. And, therefore, it is not the enriching the predatory war that hath the pre-eminence in honour; else should it be more honour to bring in a carrack of rich burden, than one of the twelve Spanish apostles. But then this nature of people doth yield a higher point of honour (considering in truth and substance) than any war can yield which should be achieved against a civil enemy, if the end may be—"pacique imponere morem," to replant and refound the policy of that nation, to which nothing is wanting but a just and civil government. Which design, as it doth descend to you from your noble father, (who lost his life in that action, though he paid tribute to nature, and not to fortune,) so I hope your lordship shall be as fatal a captain to this war, as Africanus was to the war of Carthage, after that both his uncle and his father had lost their lives in Spain in the same war.

Now, although it be true, that these things which I have writ (being but representations unto your lordship of the honour and appearance of success and enterprise) be not much to the purpose of my direction, yet, it is that which is best to me, being no man of war, and ignorant in the particulars of state: for a man may by the eye set up the white right in the midst of the butt, though he be no archer. Therefore I will only add this wish, according to the English phrase, which termeth a well-wishing advice a wish, that your lordship in this whole action, looking forward, set down this position; that merit is worthier than fame; and looking back hither, would remember this text, that "obedience is better than sacrifice." For designing to fame and glory may make your lordship, in the adven-

ture of your person, to be valiant as a private soldier, rather than as a general; it may make you in your commandments rather to be gracious than disciplinary; it may make you press action, in the respect of the great expectation conceived, rather hastily than seasonably and safely; it may make you seek rather to achieve the war by force, than by mixture of practice; it may make you (if God shall send you prosperous beginnings) rather seek the fruition of the honour, than the perfection of the work in hand. And for your proceeding like a good Protestant, (upon warrant, and not upon good intention,) your lordship knoweth, in your wisdom, that as it is most fit for you to desire convenient liberty of instruction, so it is no less fit for you to observe the due limits of them, remembering that the exceeding of them may not only procure (in case of adverse accident) a dangerous disavow, but also (in case of prosperous success) be subject to interpretation, as if all was not referred to the right end.

Thus I have presumed to write these few lines to your lordship, "in methodo ignorantiæ," which is, when a man speaketh of any subject not according to the parts of the matter, but according to the model of his own knowledge: and most humbly desire your lordship, that the weakness thereof may be supplied in your lordship, by a benign acceptation, as it is in me by my best wishing.

Fr. Bacon.

SIR FRANCIS BACON, TO THE EARL OF ESSEX AFTER HIS ENLARGEMENT.

My Lord,

No man can expound my doings better than your lordship, which makes me need to say the less; only I humbly pray you to believe that I aspire to the conscience and commendation of "bonus civis" and "bonus vir;" and that though I love some things better, I confess, that I love your lordship; yet, I love few persons better, both for gratitude's sake, and for virtues, which cannot hurt, but by accident. Of which my good affection it may please your lordship to assure yourself, of all the true effects and offices that I can yield: for as I was ever sorry your lordship should fly with waxen wings, doubting Icarus's fortune; so, for the growing up of your own feathers, be they ostriches or other kind, no man shall be more glad; and this is the axle-tree, whereupon I have turned, and shall turn. Which having already signified unto you by some near means, having so fit a messenger for mine own letter, I thought good to redouble also by writing. And so I commend you to God's protection. From Gray's Inn, etc.

Fr. Bacon.

July 19, 1600

SIR FRANCIS BACON IN RECOMMENDATION OF HIS SERVICE TO THE EARL OF NORTHUMBERLAND, A FEW DAYS BEFORE QUEEN ELIZABETH'S DEATH.

May it please your good Lordship.

As the time of sowing of seed is known, but the time of coming up and disclosing is casual, or according to the season; so I am a witness to myself, that there hath been covered in my mind a long time a seed of affection and zeal towards your lordship, sown by the estimation of your virtues, and your particular honours and favours, to my brother deceased, and to myself; which seed still springing, now bursteth forth into this profession. And, to be plain with your lordship, it is very true, and no winds or noises of civil matters can blow this out of my head or heart, that your great capacity and love towards studies and contemplations, of a higher and worthier nature than popular, a nature rare in the world, and in a person of your lordship's quality almost singular, is to me a great and chief motive to draw my affection and admiration towards you: and, therefore, good my lord, if I may be of any use to your lordship by my head, tongue, pen, means, or friends, I humbly pray you to hold me your own: and herewithal, not to do so much disadvantage to my good mind, nor partly, to your own worth, as to conceive, that this commendation of my humble service produceth out of any straits of my occasions, but merely out of an election, and indeed, the fulness of my heart. And so, wishing your lordship all prosperity, I continue. ——

SIR FRANCIS BACON TO MR. ROBERT KEMPE, UPON THE DEATH OF QUEEN ELIZABETH.

Mr. Kempe, this alteration is so great, as you might justly conceive some coldness of my affection towards you, if you should hear nothing from me, I living in this place. It is in vain to tell you, with what a wonderful still and calm this wheel is turned round, which, whether it be a remnant of her felicity that is gone, or a fruit of his reputation that is coming, I will not determine; for, I cannot but divide myself, between her memory and his name. Yet, we account it but as a fair morn before sunrising, before his majesty's presence; though, for my part, I see not whence any weather should arise. The Papists are contained with fear enough, and hope too much. The French is thought to turn his practice upon procuring some disturbance in Scotland, where crowns may do wonders. But this day is so welcome to the nation, and the time so short, as I do not fear the effect. My Lord of Southampton expecteth release by the next despatch, and is already much visited, and much well wished. There is continual posting, by men of good quality towards the king, the rather,

I think, because this springtime it is but a kind of sport. It is hoped, that as the state here hath performed the part of good attorneys, to deliver the king quiet possession of his kingdom; so the king will redeliver them quiet possession of their places, rather filling places void, than removing men placed.

So, etc.

SIR FRANCIS BACON TO MR. DAVID FOULES IN SCOTLAND, UPON THE ENTRANCE OF HIS MAJESTY'S REIGN.

Sir, the occasion awaketh in me the remembrance of the constant and mutual good offices which passed between my good brother and yourself; whereunto, as you know, I was not altogether a stranger, though the time and design (as between brethren) made me more reserved. But well do I bear in mind the great opinion which my brother (whose judgment I much reverence) would often express to me of the extraordinary sufficiency, dexterity, and temper, which he had found in you, in the business and service of the king our sovereign lord. This latter bred in me an election, as the former gave an inducement, for me to address myself to you, and to make this signification of my desire, towards a mutual entertainment of good affection and correspondence between us, hoping that some good effect may result of it, towards the king's service, and that for our particulars, though occasion give you the precedence, of furthering my being known by good note unto the king; so, no long time will intercede, before I, on my part, shall have some means given to requite your favours, and verify your commendation. And so, with my loving commendations, (good Mr. Foules,) I leave you to God's goodness.

From Gray's Inn, this 25th of March.

SIR FRANCIS BACON TO SIR ROBERT CECIL, AFTER DEFEAT OF THE SPANIARDS IN IRELAND, FOR REDUCING THAT KINGDOM TO CIVILITY, WITH SOME REASONS ENCLOSED.

It may please your Honour,

As one that wisheth you all increase of honour, and as one that cannot leave to love the state, what interest soever I have, or may come to have in it, and as one that now this dead vacation time have some leisure "ad aliud agendum," I will presume to propound unto you that which, though you cannot but see, yet I know not whether you apprehend and esteem it in so high a degree that is, for the best action of importation to yourself, of sound honour and merit to her majesty, and this crown, without ventosity or popularity, that the riches of any occasion, or the tide of any opportunity can possibly minister or offer. And that is, the causes of Ireland, if they be taken by the right handle: for if the wound be not ripped up again, and come to a festered sense, by new foreign succours, I think that no physician will go on much with letting blood "in declinatione morbi," but will intend to purge and corroborate. To which purpose I send you mine opinion, without labour of words in the enclosed, and sure I am, that if you shall enter into the matter according to the vivacity of your own spirit, nothing can make unto you a more gainful return; for you shall make the queen's felicity complete, which now (as it is) is incomparable; and for yourself, you shall make yourself as good a patriot as you are thought a politic, and to have no less generous ends than dexterous delivery of yourself towards your ends; and as well to have true arts and grounds of government, as the facility and felicity of practice and negotiation; and to be as well seen in the periods and tides of estates, as in your own circle and way; than the which I suppose nothing can be a better addition and accumulation of honour unto you.

This, I hope, I may in privateness write, either as a kinsman, that may be bold, or as a scholar, that hath liberty of discourse, without committing of any absurdity. If not, I pray your honour to believe, I ever loved her majesty and the state, and now love yourself; and there is never any vehement love without some absurdity, as the Spaniard well saith, "desuario con la calentura." So, desiring your honour's pardon, I ever continue, etc.

Fr. Bacon.

SIR FRANCIS BACON TO THE LORD TREASURER, TOUCHING HIS SPEECH IN PARLIAMENT.

It may please your good Lordship,

I was sorry to find by your lordship's speech yesterday, that my last speech in Parliament, delivered in discharge of my conscience, my duty to God, her majesty, and my country, was offensive: if it were misreported, I would be glad to attend your lordship, to disavow any thing I said not; if it were misconstrued, I would be glad to expound my words, to exclude any sense I meant not; if my heart be misjudged by imputation of popularity, or opposition, I have great wrong, and the greater because the manner of my speech did most evidently show that I spake most simply, and only to satisfy my conscience, and not with any advantage or policy to sway the case, and my terms carried all signification of duty and zeal towards her majesty and her service. It is very true, that from the beginning, whatsoever was a double subsidy I did wish might for precedent's sake appear to be extraordinary, and for discontent's sake might not have been levied upon the poorer

sort, though otherwise I wished it as rising as I think this will prove, or more. This was my mind, I confess it: and therefore I most humbly pray your lordship, first, to continue me in your own good opinion, and then, to perform the part of an honourable good friend, towards your poor servant and ally, in drawing her majesty to accept of the sincerity and simplicity of my zeal, and to hold me in her majesty's favour, which is to me dearer than my life, and so, etc.

Your lordship's most humble in all duty.

FR. BACON.

A LETTER TO MR. MATTHEW, UPON SENDING HIS BOOK DE SAPIENTIA VETERUM.

MR. MATTHEW,

I do very heartily thank you for your letter of the 24th of August, from Salamanca; and in recompense thereof, I send you a little work of mine, that hath begun to pass the world. They tell me my Latin is turned into silver, and become current. Had you been here you had been my inquisitor, before it came forth. But I think the greatest inquisitor in Spain will allow it. But one thing you must pardon me, if I make no haste to believe, that the world should be grown to such an ecstasy, as to reject truth in philosophy, because the author dissenteth in religion; no more than they do by Aristotle, or Averrois. My great work goeth forward, and after my manner, I alter even when I add: so that nothing is finished till all be finished. This I have written in the midst of a term and parliament, thinking no time so precious, but that I should talk of these matters with so good and dear a friend. And so, with my wonted wishes, I leave you to God's goodness.

From Gray's Inn, Febr. 17, 1610.

A LETTER TO THE KING, TOUCHING MATTER OF REVENUE AND PROFIT.

IT MAY PLEASE YOUR MAJESTY,

I may remember what Tacitus saith, by occasion that Tiberius was often and long absent from Rome, "in Urbe, et parva et magna negotia imperatorem simul premunt." But saith he, "in Recessu, dimissis rebus minoris momenti, summæ rerum magnarum magis agitantur." This maketh me think, it shall be no incivility to trouble your majesty with business, during your abode from London, knowing your majesty's meditations are the principal wheel of your estate, and being warranted by a former commandment, which I received from you.

I do now only send your majesty these papers enclosed, because I greatly desire so far forth to preserve my credit with you, as thus: that whereas lately (perhaps out of too much desire, which induceth too much belief) I was bold to say, that I thought it as easy for your majesty to come out of want, as to go forth of your gallery, your majesty would not take me for a dreamer, or a projector. I send your majesty therefore some grounds of my hopes. And for that paper which I have gathered of increasements "sperate:" I beseech you to give me leave to think, that if any of the particulars do fail, it will be rather for want of workmanship in those that shall deal in them, than want of materials in the things themselves. The other paper hath many discarding cards; and I send it chiefly, that your majesty may be the less surprised by projectors, who pretend sometimes great discoveries and inventions, in things that have been propounded and perhaps after a better fashion, long since. God Almighty preserve your majesty.

Your majesty's most humble and
devoted servant and subject.

April 25, 1610.

A LETTER TO THE KING, TOUCHING THE LORD CHANCELLOR'S PLACE.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY.

Your worthy chancellor, I fear, goeth his last day. God hath hitherto used to weed out such servants as grew not fit for your majesty, but now he hath gathered to himself a true sage or salvia out of your garden; but your majesty's service must not be mortal.

Upon this heavy accident, I pray your majesty, in all humbleness and sincerity, to give me leave to use a few words. I must never forget, when I moved your majesty for the attorney's place, it was your own sole act; more than that, Somerset, when he knew your majesty had resolved it, thrust himself into the business for a fee. And therefore I have no reason to pray to saints.

I shall now again make oblligation to your majesty, first, of my heart, then, of my service, thirdly, of my place of attorney, which I think is honestly worth £6000 per annum, and, fourthly, of my place of the Star Chamber, which is worth £1600 per annum; and with the favour and countenance of a chancellor, much more.

I hope I may be acquitted of presumption, if I think of it, both because my father had the place, which is some civil inducements to my desire; and I pray God your majesty may have twenty no worse years in your greatness, than Queen Elizabeth had in her model, (after my father's placing,) and chiefly, because, if the chancellor's place went to the law, it was ever conferred upon some of the learned counsel, and never upon a judge. For Audley was raised from king's sergeant, my

father from attorney of the wars, Bromley from solicitor, Puckering from sergeant, Egerton from master of the rolls, having newly left the attorney's place. Now I beseech your majesty, let me put you the present case truly. If you take my Lord Coke, this will follow: first, your majesty shall put an overruling nature into an overruling place, which may breed an extreme; next, you shall blunt his industries in matter of finances, which seemeth to aim at another place. And, lastly, popular men are no sure mounters for your majesty's saddle. If you take my Lord Hubbard, you shall have a judge at the upper end of your council-board, and another at the lower end; whereby your majesty will find your prerogative pent. For, though there should be emulation between them, yet as legists they will agree, in magnifying that wherein they are best, he is no statesman, but an economist, wholly for himself. So as your majesty (more than an outward form) will find little help in him, for the business. If you take my Lord of Canterbury, I will say no more, but the chancellor's place requires a whole man. And to have both jurisdictions, spiritual and temporal, in that height, is fit but for a king.

For myself, I can only present your majesty with "gloria in obsequio;" yet I dare promise, that if I sit in that place, your business shall not make such short terms upon you, as it doth; but when a direction is once given, it shall be pursued and performed; and your majesty shall only be troubled with the true care of a king, which is to think what you would have done in chief, and not how, for the passages.

I do presume, also, in respect of my father's memory, and that I have been always gracious in the Lower House, I have interest in the gentlemen of England, and shall be able to do some good effect, in rectifying that body of Parliament men, which is "cardo rerum." For, let me tell your majesty, that that part of the chancellor's place, which is to judge in equity, between party and party, that same "regnum judiciale," (which, since my father's time, is but too much enlarged,) concerneth your majesty least, more than the acquitting your conscience for justice. But it is the other parts of a moderator, amongst your council, of an overseers over your judges, of a planter of fit justices, and governors in the country, that importeth your affairs in these times most.

I will add also, that I hope, by my care, the inventive part of your council will be strengthened, who now, commonly, do exercise rather their judgments than their inventions: and the inventive part cometh from projectors, and private men, which cannot be so well; in which kind my Lord of Salisbury had a good method, if his ends had been upright.

To conclude, if I were the man I would be, I should hope, that as your majesty hath of late won hearts by depressing, you should in this leese no hearts by advancing. For I see your people can better skill of "concretum" than "abstractum," and that the waves of their affections flow rather after persons than things. So that acts of this nature (if this were one) do more good than twenty bills of grace.

If God call my lord, the warrants and commissions which are requisite for the taking the seal, and for the working with it, and for the reviving of warrants under his hand, which die with him, and the like, shall be in readiness. And in this time presseth more, because it is the end of a term, and almost the beginning of the circuits: so that the seal cannot stand still. But this may be done, as heretofore, by commission, till your majesty hath resolved of an officer. God ever preserve your majesty.

Your majesty's most humble subject,
and bounden servant.

'eb. 12, 1615.

A LETTER TO THE KING, OF MY LORD CHANCELLOR'S AMENDMENT, AND THE DIFFERENCE BEGUN BETWEEN THE CHANCERY AND KING'S BENCH.

T MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I do find (God be thanked) a sensible amendment in my lord chancellor; I was with him yes- erday in private conference, about half an hour, nd this day again, at such times as he did seal, which he endured well almost the space of an our, though the vapour of the wax be offensive o him. He is free from a fever, perfect in his powers of memory and speech, and not hollow in his voice nor looks. He hath no panting, nor abouring respiration, neither are his coughs dry r weak. But whosoever thinketh his disease to e but melancholy, maketh no true judgment of t, for it is plainly a formed and deep cough, with . pectoral surcharge, so that, at times, he doth lmost "animam agere." I forbear to advertise 'our majesty of the care I took to have commis- ioners in readiness, because Master Secretary ake hath let me understand he signified as much o your majesty. But I hope there shall be no se of them for this time.

nd, as I am glad to advertise your majesty of endment of your chancellor's person, so I m sorry to accompany it with an advertisement f the sickness of your Chancery Court; though, y the grace of God, that cure will be much asier than the other. It is true, I did lately write to your majesty, that for the matter of "habeas corpora," (which was the third matter in law you had given me in charge,) I did think the communion of service between my lord chancellor, and my lord chief justice, in the great business of examination, would so join them, as they would not square at this time. But pardon me, I humbly pray your majesty, if I have too rea-

sonable thoughts. And yet that which happened the last day of the term concerning certain indictments, in the nature of præmunire, preferred into the King's Bench, but not found, is not so much as is noised abroad, though, I must say, it was "omni tempore nimium, et hoc tempore alienum." And, therefore, I beseech your majesty not to give any believing ear to reports, but to receive the truth from me that am your attorney-general, and ought to stand indifferent for jurisdictions of all courts; which, I account, I cannot give your majesty now, because I was then absent, and some are now absent, which are properly and authentically to inform me, touching that which passed. Neither let this any way disjoint your other business; for there is a time for all things, and this very accident may be turned to good; not that I am of opinion that the same cunning maxim of "separa et impera," which sometimes holdeth in persons, can well take place in jurisdiction; but because some good occasion by this excess may be taken, to settle that which would have been more dangerous, if it had gone on, by little and little. God preserve your majesty.

Your majesty's most humble subject,
and most bounden servant.

Feb 15th, 1615

A LETTER TO SIR GEORGE VILLIERS, TOUCHING THE DIFFERENCE BETWEEN THE COURTS OF CHANCERY AND KING'S BENCH.

SIR,

I received this morning from you two letters by the same bearer, the one written before the other, both after his majesty had received my last. In this difference between the two courts of Chancery and King's Bench, (for so I had rather take it at this time, than between the persons of my lord chancellor, and my lord chief justice,) I marvel not, if rumour get way of true relation; for I know fame hath swift wings, especially that which hath black feathers; but within these two days (for sooner I cannot be ready) I will write to his majesty both the narrative truly, and my opinion sincerely, taking much comfort, that I serve such a king, as hath God's property, in discerning truly of men's hearts. I purpose to speak with my lord chancellor this day, and so to exhibit that cordial of his majesty's grace, as I hope this other accident will rather rouse and raise his spirits, than deject him, or incline him to a relapse; mean while, I commend the wit of a mean man, that said this other day, well, (saith he,) next term you shall have an old man come with a besom of wormwood in his hand, that will sweep away all this. For it is my lord chancellor's fashion, especially towards the summer, to carry a posy of wormwood. I write this letter in haste, to return the messenger with it. God keep you, and long and happily may you serve his majesty.

Your true and affectionate servant.

Feb 10, 1615.

POSTSCRIPT.

Sir, I humbly thank you for your inward letter: I have burned it as you commanded, but the flame it hath kindled in me will never be extinguished.

SIR FRANCIS BACON TO THE KING, CONCERNING THE PRÆMUNIRE IN THE KING'S BENCH AGAINST THE CHANCERY.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I was yesterday in the afternoon, with my lord chancellor, according to your commandment, which I received by the Mr. of the Horse, and find the old man well comforted, both towards God and towards the world. And the same middle comfort, which is a divine and humane, proceeding from your majesty, being God's lieutenant on earth, I am persuaded hath been a great cause, that such a sickness hath been portable to such an age. I did not fail in my conjecture, that this business of the Chancery hath stirred him. He showeth to despise it, but yet he is full of it, and almost like a young duellist that findeth himself behindhand.

I will now (as your majesty requireth) give you a true relation of that which passed; neither will I decline your royal commandment, for delivering my opinion also; though it be a tender subject to write on. But I, that account my being but an accident to my service, will neglect no duty upon self safety. First, it is necessary I let your majesty know the ground of the difference between the two courts, that your majesty may the better understand the narrative.

27 E. 3. Cap. 1. There was a statute made 27 Ed. 3, Cap. 1, which (no doubt) in the principal intention thereof, was ordained against those that sued to Rome, wherein there are words somewhat general, against any that questioneth or impeacheth any judgment given in the king's courts, in any other courts. Upon these doubtful words (other courts) the controversy groweth; for the sounder interpretation taketh them to be meant of those courts which, though locally they were not held at Rome, or where the pope's chair was, but here within the realm, yet in their jurisdiction had their dependency upon the court of Rome; as were the court of the legate here, and the courts of the archbishops and bishops, which were then but subordinate judgment seats, to that high tribunal of Rome.

And, for this construction, the opposition of the words, (if they be well observed) between the king's courts and other courts, maketh very much; for it importeth as if those other courts were not

the king's courts. Also the main scope of the statute fortifieth the same; and, lastly, the practice of many ages. The other interpretation, which cleaveth to the letter, expoundeth the king's courts to be the courts of law only, and other courts to be courts of equity, as the Chancery, Exchequer Chamber, Duchy, etc., though this also flieth indeed from the letter; for that all these are the king's courts.

4 H. 4. Cap. 23. There is also another statute, which is but a simple prohibition, and not with a penalty of præmunire, as the other is, that after judgments given in the king's court, the parties shall be in peace, except the judgments be undone, by error, or attaint, which is a legal form of reversal. And of this also, I hold the sounder interpretation to be, to settle possessions against disturbances, and not to take away remedy in equity, where those judgments are obtained "ex rigore juris," and against good conscience.

But upon these two statutes, there hath been a late conceit in some, that if a judgment pass at the common law against any, he may not after sue for relief in Chancery; and if he do, both he and his counsel, and his solicitor, yea, and the judge, in equity, himself, are within the danger of those statutes. There your majesty hath the true state of the question, which I was necessarily to show you first, because your majesty calleth for this relation, not as news, but as business. Now to the historical part; it is the course of the King's Bench, that they give in charge to the grand jury offences of all natures to be presented within Middlesex, where the said court is; and the manner is to enumerate them, as it were in articles. This was done by Justice Crooke, the Wednesday before the term ended: and that article, "if any man after a judgment given had drawn the said judgment to a new examination in any other court," was by him especially given in charge, which had not used to be given in charge before. It is true, it was not solemnly dwelt upon, but, as it were, thrown in amongst the rest.

The last day of the term (and that which all men condemn, the supposed last day of my lord chancellor's life) there were two indictments preferred of "præmunire," for suing in Chancery after judgment at common law; The one by Richard Glandvile, the other by William Allen; the former against Courtney, the party in Chancery, Gibb, the counsellor, and Deurst, the clerk. The latter against Alderman Bowles, and Humfrey Smith, parties in Chancery, Serjeant Moore, the counsellor, Elias Wood, solicitor in the cause, and Sir John Tyndal, master of the Chancery, and an assessor to my lord chancellor. For the cases themselves, it were too long to trouble your majesty with them; but this I will say, if they were set on that preferred them, they were the worst workmen that ever were that set them on; for, there could not have been chosen two such causes, to the honour and advantage of the Chancery, for the justness of the decrees, and the foulness and scandal, both of fact and person, in those that impeach the decrees.

The grand jury, consisting (as it seemeth) of very substantial and intelligent persons, would not find the bills, notwithstanding that they were much clamoured by the parties, and twice sent back by the court; and, in conclusion, resolutely 17 of 19 found an "Ignoramus;" wherein, for that time, I think "Ignoramus" was wiser than those that knew too much.

Your majesty will pardon me, if I be sparing in delivering to you some other circumstances of aggravation, and concurrences of some like matters the same day, as if it had been some fatal constellation. They be not things so sufficiently tried, as I dare put them into your ear.

For my opinion, I cannot but begin with this preface, that I am infinitely sorry that your majesty is thus to put to salve and cure, not only accidents of time, but errors of servants. For I account this a kind of sickness of my Lord Coke's that comes almost in as ill a time, as the sickness of my lord chancellor. And as I think it was one of the wisest parts that ever he played, when he went down to your majesty to Royston, and desired to have my lord chancellor joined with him; so this was one of the weakest parts that ever he played, to make all the world perceive that my lord chancellor is severed from him at this time.

But for that which may concern your service, which is my end, (leaving other men to their own ways:) First, my opinion is plainly, that my Lord Coke, at this time, is not to be disgraced, both because he is so well habituated for that which remaineth of these capital causes, and also for that which I find is in his breast touching your finances, and matter of repair of your estate. And (if I might speak it) as I think it were good his hopes were at an end in some kind, so I could wish they were raised in some other. On the other side, this great and public affront, not only to the reverend and well-deserving person of your chancellor, (and at a time when he was thought to lie a dying, which was barbarous,) but to your high court of Chancery, (which is the court of your absolute power,) may not (in my opinion) pass lightly, nor end only in some formal atonement; but use is to be made thereof, for the settling of your authority, and strengthening of your prerogative, according to the rules of monarchy. Now, to accommodate and reconcile these advices, which seem almost opposite.

First, your majesty may not see it (though I confess it be suspicious) that my Lord Coke was any way aforehand privy to that which was done, or that he did set it or animate it, but only took

the matter as it came before him, and that his error was only that at such a time he did not divert it in some good manner.

Second, if it be true (as is reported) that any of the puisne judges did stir this business, or that they did openly revile and menace the jury for doing their conscience, (as they did honestly and truly,) I think that judge is worthy to lose his place. And, to be plain with your majesty, I do not think there is any thing, a greater "Polycreston, ad multa utile" to your affairs, than, upon a just and fit occasion, to make some example against the presumption of a judge, in causes that concern your majesty; whereby the whole body of those magistrates may be contained to better awe; and it may be, this will light upon no unfit subject, of a person that is rude, and that no man cares for.

Thirdly, if there be no one so much in fault, (which I cannot yet affirm, either way, and there must be a just ground, God forbid else,) yet I should think, that the very presumption of going so far in so high a cause deserveth to have that done, which was done in this very case, upon the indictment of Serjeant Heale, in Queen Elizabeth's time, that the judges should answer it upon their knees before your majesty, or your council, and receive a sharp admonition; at which time also, my Lord Wrey, being then chief justice, slipped the collar, and was forborne.

Fourthly, for the persons themselves, Glanvile and Allen, which are base fellows, and turbulent, I think there will be discovered and proved against them (besides the preferring of the bill) such combination and contemptuous speeches and behaviour as there will be good ground to call them, and perhaps some of their petty counsellors at law, into the Star Chamber.

In all this which I have said, your majesty may be pleased to observe, that I do not engage you I now forbear. But two things I wish to be done; the one, that your majesty take this occasion much in the main point of the jurisdiction, for which I have a great deal of reason, which to redouble unto all your judges your ancient and true charge and rule; that you will endure no innovating in the point of jurisdiction: but will have every court impaled within their own presidents, and not assume to themselves new powers, upon conceits and inventions of law: the other that in these high causes, that touch upon state and monarchy, your majesty give them straight charge, that upon any occasions intervenient, hereafter, they do not make the vulgar party to their contestations, by public handling them before they have consulted with your majesty, to whom the reglement of those things appertaineth. To conclude, I am not without hope, that your majesty's managing this business, according to your great wisdom, unto which I acknowledge myself not worthy to be card-holder or candle-holder, will make profit of this accident, as a thing of God's sending.

Lastly, I may not forget to represent to your majesty, that there is no thinking of arraignment until these things be somewhat accommodated, and some outward and superficial reconciliation, at least, made between my lord chancellor and my lord chief justice; for this accident is a banquet to all Somerset's friends. But this is a thing that falleth out naturally of itself, in respect of the judges going circuit, and my lord chancellor's infirmity, with hope of recovery. And although this protraction of time may breed some doubt of mutability, yet I have lately learned, out of an excellent letter of a certain king, that the sun showeth sometimes watery to our eyes, but when the cloud is gone, the sun is as before. God preserve your majesty.

Your majesty's most humble subject,
and most bounden servant.

Febr. 21, 1617.

Your majesty's commandment speaketh for pardon of so long a letter; which yet I wish may have a short continuance, and be punished with fire.

SIR FRANCIS BACON TO THE KING, UPON SOME INCLINATION OF HIS MAJESTY, SIGNIFIED TO HIM, FOR THE CHANCELLOR'S PLACE.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

The last day when it pleased your majesty to express yourself towards me in favour, far above that I can deserve, or could expect, I was surprised by the prince's coming in; I most humbly pray your majesty, therefore, to accept these few lines of acknowledgment.

I never had great thoughts for myself, farther than to maintain those great thoughts which I confess I have for your service. I know what honour is, and I know what the times are; but I thank God with me my service is the principal, and it is far from me, under honourable pretences, to cover base desires, which I account them to be, when men refer too much to themselves, especially serving such a king, I am afraid of nothing, but that the master of the horse, your excellent servant, and myself, shall fall out about this, who shall hold your stirrup best; but were your majesty mounted, and seated without difficulties and distaste in your business, as I desire and hope to see you, I should "ex animo" desire to spend the decline of my years in my studies, wherein also I should not forget to do him honour, who, besides his active and politic virtues, is the best pen of kings, and much more the best subject of a pen. God ever preserve your majesty.

Your majesty's most humble subject,
and more and more obliged servant.

April 1, 1616.

SIR FRANCIS BACON TO SIR GEORGE VILLIERS, OF ADVICE CONCERNING IRELAND, FROM GORHAMBURY TO WINDSOR.

SIR,

Because I am uncertain whether his majesty will put to a point some resolutions touching Ireland, now at Windsor: I thought it my duty to attend his majesty by my letter, and thereby to supply my absence, for the renewing of some former commissions for Ireland, and the framing of a new commission for the wards, and the alienations, which appertain properly to me, as his majesty's attorney, and have been accordingly referred by the lords, I will undertake that they are prepared with a greater care, and better application to his majesty's service, in that kingdom, than heretofore they have been; and therefore of that I say no more. And for the instructions of the new deputy, they have been set down by the two secretaries, and read to the board, and being things of an ordinary nature, I do not see but they may pass. But there have been three propositions and councils which have been stirred, which seem to me of very great importance, wherein I think myself bound to deliver to his majesty my advice, and opinion, if they should now come in question. The first is touching the recusant magistrates of the towns of Ireland, and the commonalties themselves, and their electors, what shall be done; which consultation ariseth from the late advertisements from the two lord justices, upon the instance of the two towns, Limerick and Kilkenny; in which advertisements, they represent the danger only without giving any light for the remedy, rather warily for themselves, than agreeable to their duties and places. In this point, I humbly pray his majesty to remember, that the refusal is not of the oath of allegiance, (which is not exacted in Ireland,) but of the oath of supremacy, which cutteth deeper into matter of conscience.

Also that his majesty, will out of the depth of his excellent wisdom and providence, think, and as it were calculate with himself, whether time will make more for the cause of religion in Ireland, and be still more and more propitious, or whether differing remedies will not make the case more difficult. For if time give his majesty the advantage, what needeth precipitation of extreme remedies; but if the time will make the case more desperate, then his majesty cannot begin too soon. Now, in my opinion, time will open and facilitate things for reformation of religion there, and not shut up or lock out the same. For, first, the plantations going on, and being principally of Protestants, cannot but mate the other party in time. Also his majesty's care in placing good bishops, and good divines; in amplifying the college there, and looking to the education of wards, and such like; as they are the most natural means, so are they like to be the most effectual and happy, for the weeding out of Popery, without using the temporal sword; so that I think I may truly conclude, that the ripeness of time is not yet come.

Therefore my advice is, in all humbleness, that this hazardous course of proceeding to tender the oath to the magistrates of towns, proceed not, but die by degrees. And yet to preserve the authority and reputation of the former council, I would have somewhat done, which is, that there be a proceeding to seizure of liberties, but not by any act of power, but by "quo warranto," or "scire facias," which is a legal course, and will be the work of three or four terms; by which time the matter will be somewhat cool.

But I would not (in no case) that the proceeding should be with both the towns which stand now in contempt, but with one of them only, choosing that which shall be most fit. For, if his majesty proceed with both, then all the towns that are in the like case will think it a common cause, and that it is but their case to-day, and their own to-morrow. But if his majesty proceed but with one, the apprehension and terror will not be so strong; for, they may think, it may be their case to be spared, as well as prosecuted. And this is the best advice that I can give to his majesty, in this strait; and of this opinion seemed my lord chancellor to be.

The second proposition is this, it may be, his majesty will be moved to reduce the number of his council of Ireland (which is now almost fifty) to twenty, or the like number, in respect that the greatness of the number doth both imbase the authority of the council, and divulge the business. Nevertheless, I hold this proposition to be rather specious, and solemn, than needful at this time; for certainly it will fill the state full of discontentment, which, in a growing and unsettled state, ought not to be. This I could wish, that his majesty would appoint a select number of counsellors there, which might deal in the improvement of his revenue, (being a thing not to pass through too many hands;) and the said selected number should have days of sitting by themselves, at which the rest of the council should not be present; which being once settled, then other principal business of state may be handled at their sittings; and so the rest begin to be disused, and yet retain their countenance, without murmur, or disgrace.

The third proposition, as it is moved, seemeth to be pretty, if it can keep promise; for it is this, that a means may be found to reinforce his majesty's army by five hundred, or a thousand men, and that without any penny increase of charge. And the means should be, that there should be a commandment of a local removing, and transferring some companies from one province to another, whereupon it is supposed, that many that are planted in house and lands, will rather lose their

entertainment, than remove; and thereby new men may have their pay, yet, the old be mingled in the country, for the strength thereof. In this proposition two things may be feared; the one, discontent of those that shall be put off; the other, that the companies should be stuffed with novices, (tirones) instead of "veterani." I wish, therefore, that this proposition be well debated, before it be admitted. Thus having performed that which duty binds me to, I commend you to God's best preservation.

Your most devoted and bounden servant.

July 5, 1616.

SIR FRANCIS BACON, TO THE EARL OF NORTHUMBERLAND.

IT MAY PLEASE YOUR LORDSHIP,

I would not have lost this journey; and yet, I have not that I went for: for I have had no private conference to purpose with the king, no more hath almost any other English; for the speech of his majesty admitteth with some nobleman, is rather matter of grace, than matter of business: with the attorney he spake, urged by the Treasurer of Scotland, but no more than needs must. After I had received his majesty's first welcome, and was promised private access, yet, not knowing what matter of service your lordship's letter carried, for I saw it not, and knowing that primeness in advertisement is much, I chose rather to deliver it to Sir Thomas Hoskins, than to let it cool in my hands, upon expectation of access. Your lordship shall find a prince the farthest from vainglory that may be, and rather like a prince of the ancient form than of the latter time; his speeches swift and cursory, and in the full dialect of his nation, and in speech of business short, in speech of discourse large; he affecteth popularity by gracing them that are popular, and not by any fashions of his own; he is thought somewhat general in his favours; and his virtue of access is rather because he is much abroad, and in press, than he giveth easy audience: he hasteneth to a mixture of both kingdoms and nations, faster perhaps than policy will well bear. I told your lordship once before my opinion, that methought his majesty rather asked counsel of the time past, than of the time to come. But it is yet early to ground any settled opinion. For other particularities I refer to conference, having in these generals gone farther in these tender arguments than I would have done, were not the bearer hereof so assured. So I continue your, etc.

FR. BACON.

SIR FRANCIS BACON TO THE KING.

MAY IT PLEASE YOUR MOST EXCELLENT MAJESTY,

In the midst of my misery, which is rather assuaged by remembrance, than by hope, my chiefest worldly comfort is, to think, that since the time I had the first vote of the Lower House of Parliament for commissioner of the union; until the time that I was this Parliament chosen by both Houses, for their messenger to your majesty in the petition of religion, (which two, were my first and last services,) I was evermore so happy, as to have my poor services graciously accepted by your majesty, and likewise not to have had any of them miscarry in my hands. Neither of which points I can any ways take to myself, but ascribe the former to your majesty's goodness, and the latter to your prudent directions, which I was ever careful to have, and keep. For, as I have often said to your majesty, I was towards you but as a bucket, and a cistern to draw forth, and conserve, and yourself was the fountain. Unto this comfort of nineteen years' prosperity, there succeeded a comfort even in my greatest adversity, somewhat of the same nature, which is, that in those offences wherewith I was charged, there was not any one that had special relation to your majesty, or any your particular commandments. For, as towards Almighty God, there are offences against the first and second table, and yet all against God; so with the servants of kings, there are offences more immediate against the sovereign, although all offences against law are also against the king. Unto which comfort there is added this circumstance, that as my faults were not against your majesty otherwise than as all faults are, so my fall is not your majesty's act, otherwise than as all acts of justice are yours. This I write not to insinuate with your majesty, but as a most humble appeal to your majesty's gracious remembrance, how honest and direct you have ever found me in your service, whereby I have an assured belief, that there is in your majesty's princely thoughts, a great deal of serenity and clearness to me, your majesty's now prostrate, and cast down servant.

Neither (my most gracious sovereign) do I, by this mentioning of my services, lay claim to your princely grace and bounty, though the privilege of calamity do bear that form of petition. I know well, had they been much more, they had been but my bounden duty; nay, I must also confess, that they were, from time to time, far above my merit, super-rewarded by your majesty's benefits, which you heaped upon me. Your majesty was, and is, that man to me, that raised and advanced me nine times, thrice in dignity, and six times in office. The places indeed were the painfullest of all your service, but then they had both honour and profit, and the then profits might have maintained my now honour, if I had been wise. Neither was your majesty's immediate liberality wanting towards me, in some gifts, if I may hold them. All this I do most thankfully acknowledge, and do herewith conclude, that for any thing arising from myself, to move your eye of pity

towards me, there is much more in my present misery than in my past services; save that the same your majesty's goodness, that may give relief to the one, may give value to the other.

And, indeed, if it may please your majesty, this theme of my misery is so plentiful, as it need not be coupled with any thing else. I have been somebody, by your majesty's singular and undeserved favour, even the prime officer of your kingdom. Your majesty's arm hath been often over mine in council, when you presided at the table, so near I was. I have borne your majesty's image in metal, much more in heart. I was never, in nineteen years' service, chidden by your majesty, but, contrariwise, often overjoyed, when your majesty would sometimes say; "I was a good husband for you, though none for myself;" sometimes, "That I had a way to deal in business, 'suavibus modis,' which was the way which was most according to your own heart;" and other most gracious speeches of affection and trust, which I feed on till this day. But why should I speak of these things, which are now vanished, but only the better to express my downfall.

For now it is thus with me; I am a year and a half old in misery, though (I must ever acknowledge) not without some mixture of your majesty's grace and mercy. For I do not think it possible, that any you once loved should be totally miserable. My own means, through mine own improvidence, are poor and weak, little better than my father left me. The poor things which I have had from your majesty, are either in question, or at courtesy: my dignities remain marks of your past favour, but yet burdens withal of my present fortune. The poor remnants which I had of my former fortunes, in plate or jewels, I have spread upon poor men, unto whom I owed, scarce leaving myself bread. So as, to conclude, I must pour out my misery before your majesty, so far as to say, "Si deseris tu, perimus."

But as I can offer to your majesty's compassion, little arising from myself to move you, except it be my extreme misery, which I have truly laid open; so looking up to your majesty yourself, I should think I committed Cain's fault, if I should despair: your majesty is a king, whose heart is as unscrutable, for secret motions of goodness, as for depth of wisdom. You are creator-like, factive, and not destructive; you are a prince in whom I have ever noted an aversion against any thing that savoured of a hard heart; as, on the other side, your princely eye was wont to meet with any motion that was made on the relieving part. Therefore, as one that hath had happiness to know your majesty near hand I have (most gracious sovereign) faith enough for a miracle, much more for a grace: that your majesty will not suffer your poor creature to be utterly defaced, nor blot that name quite out of your book, upon which your sacred hand hath been so oft for new ornaments and additions. Unto this degree of compassion, I hope God above (of whose mercy towards me, both in my prosperity, and adversity, I have had great testimonies and pledges, though mine own manifold and wretched unthankfulness might have averted them) will dispose your princely heart, already prepared to all piety. And why should I not think, but that thrice noble prince, who would have pulled me out of the fire of a sentence, will help to pull me (if I may use that homely phrase) out of the mire of an abject and sordid condition in my last days? And that excellent favourite of yours (the goodness of whose nature contendeth with the greatness of his fortune, and who counteth it a prize, a second prize, to be a good friend, after that prize which he carrieth to be a good servant) will kiss your hands with joy, for any work of piety you shall do for me? And as all commiserating persons (specially such as find their hearts void of malice) are apt to think, that all men pity them; I assure myself, that the lords of the council (who out of their wisdom and nobleness cannot but be sensible of human events) will, in this way which I go for the relief of my estate, further and advance your majesty's goodness towards me. For there is a kind of fraternity between great men that are, and those that have been, being but the several tenses of one verb; nay, I do farther presume, that both Houses of Parliament will love their justice the better if it end not in my ruin. For I have been often told by many of my lords, (as it were, in excusing the severity of the sentence,) that they knew they left me in good hands. And your majesty knoweth well, I have been all my life long acceptable to those assemblies, not by flattery, but by moderation, and by honest expressing of a desire to have all things go fairly and well.

But (if it may please your majesty) for saints, I shall give them reverence, but no adoration. My address is to your majesty, the fountain of goodness: your majesty shall, by the grace of God, not feel that in gift, which I shall extremely feel in help; for my desires are moderate, and my courses measured to a life orderly and reserved; hoping still to do your majesty honour in my way. Only I most humbly beseech your majesty, to give me leave to conclude with those words which necessity speaketh; help me, dear sovereign lord and master, and pity me so far, as I, that have borne a bag, be not now, in my age, forced in effect, to bear a wallet; nor I, that desire to live to study, may not be driven to study to live. I most humbly crave pardon of a long letter, after a long silence. God of heaven ever bless, preserve, and prosper your majesty.

Your majesty's poor ancient servant and beadsman,

FR. ST. ALBAN.

SIR FRANCIS BACON, THE KING'S ATTORNEY, RETURNED WITH POSTILS, OF THE KING'S OWN HAND.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

Your majesty hath put upon me a work of providence in this great cause, which is to break and distinguish future events into present cases, and so present them to your royal judgment, that in this action, which hath been carried with so great prudence, justice, and clemency, there may be (for that which remaineth) as little surprise as is possible, but that things duly foreseen may have their remedies and directions in readiness; wherein I cannot forget what the poet Martial saith; "O! quantum est subitis cassibus ingenium!" signifying, that accident is many times more subtle than foresight, and overreacheth expectation: and, besides, I know very well the meanness of my own judgment, in comprehending or forecasting what may follow.

It was your majesty's pleasure also, that I should couple the suppositions with my opinion in every of them, which is a harder task; but yet your majesty's commandment requireth my obedience, and your trust giveth me assurance.

I will put the case which I wish; that Somerset should make a clear confession of his offences, before he be produced to trial.

REX. I say with Apollo, "Media tutius itur," if it may stand with law; and if it cannot, when I shall hear that he confesseth, I am to make choice of the first, or the last.

In this case, it seemeth your majesty will have a new consult. The points whereof will be (1) Whether your majesty will stay the trial, and so save them both from the stage, and that public ignominy. Or (2) Whether you will (or may fitly by law) have the trial proceed, and stay or reprieve the judgment, which saveth the lands from forfeiture, and the blood from corruption. Or (3) Whether you will have both trial and judgment proceed, and save the blood only, not from corrupting, but from spilling.

These be the depths of your majesty's mercy which I may not enter into; but for honour and reputation, they have these grounds:

- That the blood of Overbury is already revenged by divers executions.
- That confession and penitency are the footstools of mercy, adding this circumstance likewise, that the former offenders did none of them make a clear confession.
- That the great downfall of so great persons carrieth, in itself, a heavy punishment, and a kind of civil death, although their lives should not be taken.

All which may satisfy honour for sparing their lives.

But, if your majesty's mercy should extend to the first degree, which is the highest, of sparing the stage and the trial; then three things are to be considered.

REX. This article cannot be mended in point thereof.

First, That they make such a submission or deprecation, as they prostrate themselves, and all that they have, at your majesty's feet, imploring your mercy.

Secondly, That your majesty, in your own wisdom, do advise what course you will take, for the utter extinguishing of all hope of resuscitating of their fortunes and favour; whereof if there should be the least conceit, it will leave in men a great deal of envy and discontent.

And, lastly, Whether your majesty will not suffer it to be thought abroad, that there is a cause of farther examination of Somerset, concerning matters of estate, after he shall begin once to be a confessant; and so make as well a politic ground, as a ground of clemency, for farther stay.

And for the second degree of proceeding to trial, and staying judgment, I must better inform myself by precedents, and advise with my lord chancellor.

The second case is, if that fall out which is likest (as things stand, and which we expect) which is, that the lady confess: and that Somerset himself plead not guilty, and be found guilty.

REX. If stay of judgment can stand with the

In this case, first, I suppose your majesty will not think of any stay of judgment, but that the public process of justice pass on.

Secondly, for your mercy to be extended to both, for pardon of their execution, I have partly touched, in the considerations applied to the former case; whereunto may be added, that as there is ground of mercy for her, upon her penitency and free confession, and will be much more upon his

law, I would even wish it in this case; In all the rest this article cannot be mended.

finding guilty, because the malice on his part will be thought the deeper source of the offence; so there will be ground for mercy, on his part, upon the nature of the proof, because it rests chiefly upon presumptions. For, certainly, there may be an evidence so balanced, as it may have sufficient matter for the conscience of the peers to convict him, and yet leave sufficient matter in the conscience of a king, upon the same evidence, to pardon his life; because the peers are astringed by necessity, either to acquit or condemn; but grace is free. And for my part, I think the evidence in this present case will be of such a nature.

Thirdly, It shall be my care so to moderate the manner of charging him, as it might make him not odious beyond the extent of mercy.

REX. That danger is well to be foreseen, lest he upon the one part commit unpardonable errors, and I on the other part seem to punish him in the spirit of revenge.

Lastly, all these points of mercy and favour, are to be understood with this limitation, if he do not, by his contemptuous and insolent carriage at the bar, make himself incapable and unworthy of them.

The third case is, if he should stand mute, and will not plead, whereof your majesty knoweth there hath been some secret question.

In this case, I should think fit, that, as in public, both myself and chiefly my lord chancellor, (sitting then as Lord Steward of England) should dehort and deter him from that desperation; so, nevertheless, that as much should be done for him, as was done for Weston, which was to adjourn the court for some days, upon a Christian ground, that he may have time to turn from that mind of destroying himself; during which time your majesty's farther pleasure may be known.

REX. This article cannot be amended.

The fourth case is, that, which I should be very sorry should happen; but, it is a future contingent, that is, if the peers should acquit him, and find him not guilty.

REX. This is so also.

In this case, the lord steward must be provided what to do. For, as it hath been never seen (as I conceive it) that there should be any rejecting of the verdict, or any respiting of the judgment of the acquittal; so, on the other side, this case requireth, that because there be many high and heinous offences (though not capital,) for which he may be questioned in the Star Chamber, or otherwise, that there be some touch of that in general, at the conclusion, by my Lord Steward of England. And, that, therefore, he be remanded to the Tower, as close prisoner.

For matter of examination, or other proceedings, my lord chancellor, with my advice, hath set down

To-morrow, being Monday, for the re-examination of the lady.

Wednesday next, for the meeting of the judges, concerning the evidence.

Thursday, for the examination of Somerset himself, according to your majesty's instructions.

Which three parts, when they shall be performed, I will give your majesty advertisement with speed, and in the mean time be glad to receive from your majesty (whom it is my part to inform truly), such directions, or significations of your pleasure, as this advertisement may induce, and that with speed, because the time cometh on. Well remembering who is the person, whom your majesty admitted to this secret; I have sent this letter open unto him, that he may take your majesty's times to report it, or show it unto you, assuring myself that nothing is more firm than his trust, tried to your majesty's commandments;

Your majesty's most humble and most bounden subject and servant.

April 28, 1616.

SIR FRANCIS BACON, THE KING'S ATTORNEY-GENERAL, TO THE MASTER OF THE HORSE, UPON THE SENDING OF HIS BILL FOR VISCOUNT, &C.

Sir,

I send you the bill for his majesty's signature, reformed according to his majesty's amendments, both in the two places (which I assure you, were altered with great judgment) and in the third place, which his majesty termed a question only. But he is an idle body, that thinketh his majesty asketh an idle question; and therefore his majesty's questions are to be answered, by taking away the cause of the question, and not by replying.

For the name, his majesty's will is a law in those things; and to speak the truth, it is a well-sounding, and noble name, both here and abroad: and being your proper name, I will take it for a good sign, that you shall give honour to your dignity, and not your dignity to you. Therefore I have made it Viscount Villiers, and for your barony, I will keep it for an earldom: for though the other had been more orderly, yet that is as usual, and both alike good in law.

For Roper's place, I would have it by all means despatched; and therefore I marvel it lingereth. It were no good manners, to take the business out of my lord treasurer's hands, and therefore I purpose to write to his lordship, if I hear not from him first, by Mr. Deckome; but if I hear of any delay, you will give me leave (especially since the king named me) to deal with Sir Joseph Roper myself; for neither I, nor my lord treasurers can deserve any great thanks in this business of yours, considering the king hath spoken to Sir Joseph Roper, and he hath promised; and, besides, the thing itself is so reasonable, as it ought to be as soon done as said. I am now gotten into the country to my house, where I have some little liberty, to think of that I would think of, and not of that which other men hourly break their head withal, as it was at London. Upon this you may conclude, that most of my thoughts are to his majesty, and then you cannot be far off. God ever keep you, and prosper you: I rest always,

Your true and most dutiful servant.

The 5th of August, one of the happiest days.

SIR FRANCIS BACON TO SIR GEORGE VILLIERS, UPON THE SENDING HIS PATENT FOR VISCOUNT VILLIERS TO BE SIGNED.

Sir,

I have sent you now your patent, creation of Lord Bletchly of Bletchly, and of Viscount Villiers. Bletchly is your own, and I liked the sound of the name better than Whaddon; but the name will be hid, for you will be called Viscount Villiers. I have put them in a patent, after the manner of the patent for earls, where baronies are joined; but the chief reason was, because I would avoid double prefaces, which had not been fit; nevertheless, the ceremony of robing, and otherwise, must be double.

And now, because I am in the country, I will send you some of my country fruits, which with me are good meditations; which, when I am in the city, are choked with business.

After that the king shall have watered your new dignities, with the bounty of the lands which he intends you, and that some other things concerning your means, which are now likewise in intention, shall be settled upon you, I do not see, but you may think your private fortunes established; and therefore it is now time, that you should refer your actions to the good of your sovereign, and your country. It is the life of an ox or beast always to eat, and never exercise; but men are born (and especially Christian men) not to cram in their fortunes, but to exercise their virtues; and yet the other hath been unworthy, and (thanks be to God) sometimes unlucky humour of great persons in our times. Neither will your future fortune be the farther off; for assure yourself, that fortune is of a woman's nature, and will sooner follow by slighting, than by too much wooing. And in this dedication of yourself to the public, I recommend unto you principally, that which I think, was never done since I was born; and which, because it is not done, hath bred almost a wilderness and solitude in the king's service; which is, that you countenance, and encourage, and advance able men, in all kinds, degrees, and professions. For in the time of the Cecils, the father and the son, able men were by design and of purpose suppressed: and though, of late, choice goeth better, both in church and commonwealth, yet money and turn-serving, and cunning canvasses and importunity, prevaileth too much. And in places of moment, rather make able and honest men yours, than advance those that are otherwise, because they are yours. As for cunning and corrupt men, you must (I know) sometimes use them, but keep them at a distance; and let it appear rather, that you make use of them, than that they lead you. Above all depend wholly (next unto God) upon the king, and be ruled (as hitherto you have been) by his instructions, for that is best for yourself. For the king's care and thoughts for you are according to the thoughts of a great king; whereas your thoughts concerning yourself are, and ought to be, according to the thoughts of a modest man. But let me not weary you: the sum is, that you think goodness the best part of greatness, and that you remember whence your rising comes, and make return accordingly. God keep you.

Aug. 12, 1616.

SIR FRANCIS BACON TO THE KING, ABOUT A CERTIFICATE OF MY LORD COKE'S.

It may please your excellent Majesty,

I send your majesty enclosed, my Lord Coke's answers, I will not call them rescripts, much less oracles. They are of his own hand, and offered to me (as they are) in writing, not required by me to have them set down in writing, though I am glad of it, for my own discharge. I thought it my duty, as soon as I received them, instantly to send them to your majesty, and forbear, for the present, to speak farther of them. I, for my part, (though this Moscovia weather be a little too hard

for my constitution,) was ready to have waited upon your majesty this day, all respects set aside; but my lord treasurer, in respect of the season, and much other business, was willing to save me. I will only conclude, touching these papers, with a text divided; I cannot say "Oportuit hæc fieri," but I may say, "Finis autem nondum." God preserve your majesty.

Your majesty's most humble and
devoted subject and servant.

Feb. 14, at 12 o'clock.

I humbly pray your majesty, to keep the papers safe.

SIR FRANCIS BACON TO MR. TOBY MATTHEWS.

MR. MATTHEWS,

Do not think me forgetful, or altered towards you: but if I should say, I could do you any good, I should make my power more than it is. I do fear that which I am right sorry for, that you grow more impatient and busy than at first, which makes me exceedingly fear the issue of that which seemeth not to stand at a stay. I myself am out of doubt, that you have been miserably abused, when you were first seduced; and that which I take in compassion, others may take in severity. I pray God, that understands us all better than we understand one another, continue you, as I hope he will, at least, within the bounds of loyalty to his majesty, and natural piety to your country. And I entreat you much, to meditate sometimes upon the effect of superstition in this last powder-treason, fit to be tabled and pictured in the chambers of meditation, as another hell above the ground; and well justifying the censure of the heathen, that "Superstition is far worse than Atheism," by how much it is less evil to have no good opinion of God at all, than such as are impious towards his divine majesty and goodness. Good Mr. Matthews, receive yourself back from these courses of perdition. Willing to have written a great deal more, I continue

Your, etc.
FR. BACON.

SIR FRANCIS BACON TO THE EARL OF SALISBURY.

IT MAY PLEASE YOUR GOOD LORDSHIP,

I am not ignorant how mean a thing I stand for, in desiring to come into the solicitor's place: for I know well, it is not the thing it hath been, time having wrought an alteration, both in the profession, and in that special place. Yet, because I think it will increase my practice, and that it may satisfy my friends, and because I have been voiced to it, I would be glad it were done. Wherein I may say to your lordship, in the confidence of your poor kinsman, and a man by you advanced, "in idem fer opem qui spem dedisti:" for I am sure, it was not possible for a man living to have received from another more significant and comfortable words of hope: your lordship being pleased to tell me, during the course of my last service, that you would raise me, and that, when you are resolved to raise a man, you were more careful of him than himself, and that what you had done for me in my carriage, was a benefit for me, but of no use to your lordship; and, therefore, I might assure myself, you would not leave me there, with many like speeches; which I know too well my duty to take any other hold of, than the hold of a thankful remembrance: and I know, and all the world knoweth, that your lordship is no dealer of holy water, but noble and real; and on my part, on sure ground, that I have committed nothing that may deserve any alteration; and if I cannot observe you as I would, your lordship will impute it to my want of experience, which I shall gather better, when I am once settled.

And therefore my hope is, your lordship will finish a good work, and consider, that time groweth precious, and that I am now "vergentibus annis:" and although I know your fortune is not to want a hundred such as I am, yet I shall be ever ready to give you my best and first fruits, and to supply, as much as in me lieth, a worthiness by thankfulness.

FR. BACON.

LORD CHANCELLOR BACON TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I dare not presume any more to reply upon your majesty, but reserve my defence till I attend your majesty at your happy retnrn, when I hope verily to approve myself not only a true servant to your majesty, but a true friend to my Lord of Buckingham; and for the times also, I hope to give your majesty a good account, though distance of place may obscure them. But there is one part of your majesty's letter, that I could be sorry to take time to answer; which is, that your majesty conceives, that whereas I wrote that the height of my lord's fortune might make him secure, I mean, that he was turned proud, or unknowing of himself. Surely, the opinion I have ever had of my lord (whereof your majesty is best witness) is far from that. But my meaning was plain and simple, that his lordship might, through his great fortune, be the less apt to cast and foresee the unfaithfulness of friends, and the malignity of enemies, and accidents of times. Which is a judgment (your majesty knoweth better than I) that the best authors make of the best, and best tempered spirits "ut sunt res humanæ;" insomuch as Guicci-

ardini maketh the same judgment, not of a particular person, but of the wisest state of Europe, the senate of Venice, when he saith, their prosperity had made them secure, and under-weighers of perils. Therefore, I beseech your majesty, to deliver me in this, from any the least imputation to my dear and noble lord and friend. And so expecting, that that sun which, when it went from us, left us cold weather, and now it is returned towards us hath brought with it a blessed harvest, will, when it cometh to us, dispel and disperse all mists and mistakings.

I am, etc.

July 31, 1617.

THE LORD CHANCELLOR BACON TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I do many times, with gladness, and for a remedy of my other labours, revolve in my mind the great happiness which God (of his singular goodness) hath accumulated upon your majesty every way, and how complete the same would be, if the state of your means were once rectified, and well ordered; your people military and obedient, fit for war, used to peace; your church illightened with good preachers, as a heaven of stars; your judges learned, and learning from you, just, and just by your example; your nobility in a right distance between crown and people, no oppressors of the people, no over-shadowers of the crown; your council full of tributes of care, faith, and freedom; your gentlemen, and justices of peace, willing to apply your royal mandates to the nature of their several counties, but ready to obey; your servants in awe of your wisdom, in hope of your goodness; the fields growing every day, by the improvement and recovery of grounds, from the desert to the garden; the city grown from wood to brick; your sea-walls, or Pomerium of your island, surveyed, and in edifying; your merchants embracing the whole compass of the world, east, west, north, and south; the times give you peace and, yet offer you opportunities of action abroad; and, lastly, your excellent royal issue entaileth these blessings and favours of God to descend to all posterity. It resteth, therefore, that God having done so great things for your majesty and you for others, you would do so much for yourself, as to go through (according to your good beginnings) with the rectifying and settling of your estate and means, which only is wanting, "Hoc rebus defuit unum." I, therefore, whom only love and duty to your majesty, and your royal line, hath made a financier, do intend to present unto your majesty a perfect book of your estate, like a perspective glass, to draw your estate nearer to your sight; beseeching your majesty to conceive, that if I have not attained to do that I would do, in this, which is not proper for me, nor in my element, I shall make your majesty amends in some other thing, in which I am better bred.

God ever preserve, etc.

Jan. 2, 1618.

THE LORD CHANCELLOR BACON TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

Time hath been, when I have brought unto you "Gemitum Columbæ" from others, now I bring it from myself. I fly unto your majesty with the wings of a dove, which, once within these seven days, I thought, would have carried me a higher flight. When I enter into myself, I find not the materials of such a tempest as is come upon me. I have been (as your majesty knoweth best) never author of any immoderate counsel, but always desired to have things carried "suavibus modis." I have been no avaricious oppressor of the people. I have been no haughty, or intolerable, or hateful man, in my conversation or carriage: I have inherited no hatred from my father, but am a good patriot born. Whence should this be; for these are the things that use to raise dislikes abroad.

For the House of Commons, I began my credit there, and now it must be the place of the sepulture thereof. And yet this Parliament, upon the message touching religion, the old love revived, and they said, I was the same man still, only honesty was turned into honour.

For the Upper House, even within these days, before these troubles, they seemed as to take me into their arms, finding in me ingenuity, which they took to be the true straight line of nobleness, without crooks or angles.

And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times.

And therefore I am resolved, when I come to my answer, not to trick my innocency (as I writ to the Lords) by cavillations or voidances; but to speak to them the language that my heart speaketh to me, in excusing, extenuating, or ingenuous confessing; praying God to give me the grace to see to the bottom of my faults, and that no hardness of heart do steal upon me, under show of more neatness of conscience, than is cause.

But not to trouble your majesty any longer, craving pardon for this long mourning letter; that which I thirst after, as the hart after the streams, is, that I may know, by my matchless friend that

presenteth to you this letter, your majesty's heart (which is an abyssus of goodness, as I am an abyssus of misery) towards me. I have been ever your man, and counted myself but an usufructuary of myself, the property being yours. And now making myself an oblation, to do with me as may best conduce to the honour of your justice, the honour of your mercy, and the use of your service, resting as

Clay in your majesty's gracious hands,

FR. ST. ALBAN, Can.

March 25, 1620.

SIR FRANCIS BACON TO THE KING, UPON THE SENDING UNTO HIM A BEGINNING OF A HISTORY OF HIS MAJESTY'S TIME.

IT MAY PLEASE YOUR MAJESTY,

Hearing that you are at leisure to peruse story, a desire took me to make an experiment what I could do in your majesty's times, which, being but a leaf or two, I pray your pardon, if I send it for your recreation, considering, that love must creep where it cannot go. But to this I add these petitions: first, that if your majesty do dislike any thing, you would conceive I can amend it upon your least beck. Next, that if I have not spoken of your majesty encomiastically, your majesty will be pleased only to ascribe it to the law of a history, which doth not clutter together praises upon the first mention of a name, but rather disperseth them, and weaveth them throughout the whole narration. And as for the proper place of commemoration, (which is in the period of life,) I pray God I may never live to write it. Thirdly, that the reason why I presumed to think of this oblation, was because, whatsoever my disability be, yet I shall have that advantage which almost no writer of history hath had, in that I shall write the times, not only since I could remember, but since I could observe. And, lastly, that it is only for your majesty's reading.

SIR FRANCIS BACON TO THE LORD CHANCELLOR, TOUCHING THE HISTORY OF BRITAIN.

IT MAY PLEASE YOUR GOOD LORDSHIP,

Some late act of his majesty, referred to some former speech which I have heard from your lordship, bred in me a great desire, and by strength of desire a boldness, to make an humble proposition to your lordship, such as in me can be no better than a wish; but if your lordship should apprehend it, it may take some good and worthy effect. The act I speak of, is the order given by his majesty for the erection of a tomb or monument for our late sovereign, Queen Elizabeth; wherein I may note much, but this at this time, that as her majesty did always right to his majesty's hopes, so his highness doth, in all things, right to her memory; a very just and princely retribution. But from this occasion, by a very easy ascent, I passed farther, being put in mind, by this representative of her person, of the more true and more perfect representative, which is, of her life and government. For as statues and pictures are dumb histories, so histories are speaking pictures; wherein (if my affection be not too great, or my reading too small) I am of this opinion, that if Plutarch were alive to write lives by parallels, it would trouble him, for virtue and fortune both, to find for her a parallel amongst women. And though she was of the passive sex, yet her government was so active, as, in my simple opinion, it made more impression upon the several states of Europe, than it received from thence. But I confess unto your lordship, I could not stay here, but went a little farther into the consideration of the times which have passed since King Henry the Eighth; wherein I find the strangest variety, that in so little number of successions of any hereditary monarchy, hath ever been known; the reign of a child, the offer of a usurpation, though it were but as a diary ague; the reign of a lady married to a foreigner, and the reign of a lady, solitary and unmarried: So that, as it cometh to pass, in massive bodies, that they have certain trepidations, and waverings, before they fix and settle; so it seemeth, that by the providence of God, this monarchy (before it was to settle in his majesty and his generations, in which I hope it is now established forever) hath had these preclusive changes in these barren princes. Neither could I contain myself here, (as it is easier for a man to multiply, than to stay a wish,) but calling to remembrance the unworthiness of the History of England, in the main continuance thereof, and the partiality and obliquity of that of Scotland, in the latest and largest author that I have seen; I conceived, it would be an honour for his majesty, and a work very memorable, if this island of Great Britain, as it is now joined in monarchy for the ages to come, so it were joined in history for the times past; and that one just and complete history were compiled of both nations. And if any man think, it may refresh the memory of former discord, he may satisfy himself with the verse, "Olim hæc meminisse juvabit." For the case being now altered, it is matter of comfort and gratulation, to remember former troubles. Thus much, if it may please your lordship, was in the optative mood, and it was time that I should look a little into the potential; wherein the hope that I received was grounded upon three observations. The first, of these times, which flourish in learning, both of art, and language; which giveth hope, not only that it may be done, but that it

may be well done. Secondly, I do see that which all the world sees in his majesty, a wonderful judgment in learning, and a singular affection towards learning, and works which are of the mind, and not of the hand. For there cannot be the like honour sought in building of galleries, and planting of elms along highways, and the outward ornaments wherein France now is busy, (things rather of magnificence than of magnanimity,) as there is in the uniting of states, pacifying of controversies, nourishing and augmenting of learning and arts, and the particular action appertaining unto these; of which kind Cicero judged truly, when he said to Cæsar, "Quantum operibus tuis detrahet vetustas, tantum addet laudibus." And, lastly, I called to mind, that your lordship, at some times, hath been pleased to express unto me a great desire, that something of this matter should be done, answerable indeed to your other noble and worthy courses and actions; joining, and adding unto the great services towards his majesty (which have in small compass of time been performed by your lordship) other great deservings, both of the church, and commonwealth, and particulars: so as the opinion of so great and wise a man doth seem to me a good warrant, both of the possibility, and worth of the matter. But all this while, I assure myself, I cannot be mistaken by your lordship, as if I sought an office or employment for myself; for no man knows better than your lordship, that if there were in me any faculty thereunto, yet neither my course of life, nor profession would permit it. But because there be so many good painters, both for hand and colours, it needeth but encouragement and instructions to give life unto it. So, in all humbleness, I conclude my presenting unto your lordship this wish, which if it perish, it is but a loss of that which is not. And so, craving pardon that I have taken so much time from your lordship, I remain, etc.

SIR FRANCIS BACON TO THE KING, ABOUT THE PARDON OF THE PARLIAMENT'S SENTENCE.

MOST GRACIOUS AND DREAD SOVEREIGN,

Before I make my petition to your majesty, I make my prayers to God above, "pectore ab imo," that if I have held any thing so dear as your majesty's service, (nay, your heart's ease, and your honour, I may be repulsed with a denial. But if that hath been the principal with me, that God, who knoweth my heart, would move your majesty's royal heart to take compassion of me, and to grant my desire.

I prostrate myself at your majesty's feet; I, your ancient servant, now sixty-four years old in age, and three years and five months old in misery. I desire not from your majesty means, nor place, nor employment; but only, after so long a time of expiation, a complete and total remission of the sentence of the Upper House, to the end that blot of ignominy may be removed from me, and from my memory with posterity, that I die not a condemned man, but may be to your majesty, as I am to God, "nova creatura." Your majesty hath pardoned the like to Sir John Bennet, between whose case and mine (not being partial to myself, but speaking out of the general opinion) there was as much difference, I will not say, as between black and white, but as between black and grey, or ash-coloured; look, therefore, down (dear sovereign) upon me also in pity. I know your majesty's heart is inscrutable for goodness; and my Lord of Buckingham was wont to tell me, you were the best natured man in the world; and it is God's property, that those he hath loved, he loveth to the end. Let your majesty's grace, in this my desire, stream down upon me, and let it be out of the fountain and spring-head, and "ex mero motu," that living or dying, the print of the goodness of King James may be in my heart, and his praises in my mouth. This my most humble request granted, may make me live a year or two happily; and denied, will kill me quickly. But yet the last thing that will die in me will be the heart and affection of

Your majesty's most humble and
true devoted servant,
FR. ST. ALBAN.

July 30, 1621.

SIR FRANCIS BACON TO THE KING, UPON PRESENTING HIS DISCOURSE, TOUCHING THE PLANTATION OF IRELAND.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I know no better way how to express my good wishes of a new year to your majesty, than by this little book, which in all humbleness I send you. The style is a style of business, rather than curious or elaborate, and herein I was encouraged by my experience of your majesty's former grace, in accepting of the like poor field-fruits, touching the union. And certainly I reckon this action as a second brother to the union, for I assure myself, that England, Scotland, and Ireland, well united, is such a trefoil as no prince except yourself (who are the worthiest) weareth in his crown, "si potentia reducatur in actum." I know well that for me to beat my brains about these things, they be "majora quam pro fortuna," but yet they be "minora quam pro studio et voluntate." For as I do yet bear an extreme zeal to the memory of my old mistress, Queen Elizabeth, to whom I was rather bound for her trust than for her favour; so I must acknowledge myself more bound to your majesty, both for trust and favour; whereof I will never deceive the

one, as I can never deserve the other. And so, in all humbleness kissing your majesty's sacred hands, I remain———

SIR FRANCIS BACON TO THE EARL OF SALISBURY, UPON SENDING HIM ONE OF HIS BOOKS OF ADVANCEMENT OF LEARNING.

IT MAY PLEASE YOUR GOOD LORDSHIP,

I present your lordship with a work of my vacant time, which if it had been more, the work had been better. It appertaineth to your lordship (besides my particular respects) in some propriety, in regard you are a great governor in a province of learning, and (that which is more) you have added to your place affection towards learning, and to your affection judgment, of which the last I could be content were (for the time) less, that you might the less exquisitely censure that which I offer to you. But sure I am, the argument is good, if it had lighted upon a good author; but I shall content myself to awake better spirits, like a bellringer which is first up, to call others to church. So, with my humble desire of your lordship's good acceptation, I remain——

THE LORD CHANCELLOR BACON TO THE LORDS.

IT MAY PLEASE YOUR LORDSHIPS,

I shall humbly crave at your lordships' hands a benign interpretation of that which I shall now write; for words that come from wasted spirits, and an oppressed mind, are more safe in being deposited in a noble construction, than in being circled with any reserved caution. Having made this as a protection to all which I shall say, I will go on, but with a very strange entrance, (as may seem to your lordships at the first;) for in the midst of a state of as great affliction as I think a mortal man can endure, (honour being above life,) I shall begin with the professing gladness in some things.

The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary, or protection to him against guiltiness; which, in few words, is the beginning of a golden world.

The next, that after this example, it is like that judges will fly from any thing in the likeness of corruption, (though it were at a great distance,) as from a serpent; which tendeth to the purging of the courts of justice, and reducing them to their true honour and splendour. And in these two points, God is my witness, (though it be my fortune to be the anvil, upon which these good effects are beaten and wrought,) I take no small comfort. But to pass from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your lordships are only judges, under God, and his lieutenant, I do understand, there hath been expected from me, heretofore, some justification, and therefore I have chosen one only justification instead of all others, out of the justification of Job; for, after the clear submission and confession which I shall now make unto your lordships, I hope I may say, and justify with Job, in these words, "I have not hid my sin, as did Adam, nor concealed my faults in my bosom." This is the only justification I will use: it resteth, therefore, that, without fig-leaves, I do ingenuously confess and acknowledge, that having understood the particulars of the charge, not formally from the House, but enough to inform my conscience and memory, I find matter both sufficient and full, to move me to desert the defence, and to move your lordships to condemn and censure me. Neither will I trouble your lordships by singling out particulars, which I think may fall off: "Quid te exempta juvat spinis de millibus una?" Neither will I prompt your lordships to observe upon the proofs, where they come not home, or the scruples touching the credit of the witnesses: Neither will I present unto your lordships, how far a defence might in divers things extenuate the offence, in respect of the time, or manner of the gift, or the like circumstances; but only leave these things to spring out of your own noble thoughts, and observations of the evidence, and examinations themselves, and charitably to wind about the particulars of the charge here and there, as God shall put in your minds; and so submit myself wholly to your piety and grace.

And now that I have spoken to your lordships as judges, I shall say a few words unto you as peers and prelates, humbly commending my cause to your noble minds, and magnanimous affections. Your lordships are not only judges, but parliamentary judges; you have a farther extent of arbitrary power than other courts: and if you be not tied to the ordinary course of courts or precedents, in point of strictness and severity, much more in points of mercy and mitigation. And yet, if any thing I should move might be contrary to your honourable and worthy ends to introduce a reformation, I should not seek it, but herein I beseech your lordships to give me leave to tell you a story. Titus Manlius took his son's life for giving battle against the prohibition of his general. Not many years after, the like severity was pursued by Papirius Cursur, the dictator, against Quintus Maximus, who, being upon the point to be sentenced, was, by the intercession of some principal persons of the senate, spared; whereupon Livy maketh this grave and gracious observation: "Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii." The discipline of war was no less established by the questioning only of Quintus Maximus, than by the punishment of Titus Manlius. And the same

reason is of the reformation of justice, for the questioning of men of eminent place hath the same terror, though not the same rigour with the punishment. But my case stayeth not there; for my humble desire is, that his majesty would take the seal into his hands, which is a great downfall, and may serve, I hope, in itself, for an expiation of my faults.

Therefore, if mercy and mitigation be in your lordships' power, and do no ways cross your ends, why should I not hope of your favours and commiserations? Your lordships may be pleased to behold your chief pattern, the king our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness. You well remember, that there sat not these hundred years before, in your house, a prince (and never such a prince) whose presence deserveth to be made memorable by records and acts, mixed of mercy and justice. Yourselves are either nobles, (and compassion ever beateth in the veins of noble blood,) or reverend prelates, who are the servants of him that would not break the bruised reed, nor quench smoking flax.

You all sit upon a high stage, and therefore cannot but be more sensible of the changes of human condition, and of the fall of any from high places. Neither will your lordships forget that there are "vitia temporis," as well as "vitia hominis," and that the beginning of reformation hath a contrary power to the pool of Bethseda, for that had strength only to cure him that first cast in, and this hath strength to hurt him only that is first cast in; and for my part, I wish it may stay there, and go no farther.

Lastly, I assure myself, your lordships have a noble feeling of me, as a member of your own body; and one that, in this very session, had some taste of your loving affections, which I hope was not a lightning before the death of them, but rather a spark of that grace which now, in the conclusion, will more appear. And, therefore, my humble suit to your lordships is, that my voluntary confession may be my sentence, and the loss of the seal my punishment, and that your lordships will spare any farther sentence, but recommend me to his majesty's grace and pardon for all that is past. And so, etc.

Your lordships', etc

Francis St. Alban, Can.

THE LORD CHANCELLOR BACON TO THE DUKE.

My very good Lord,

My Lord of Suffolk's cause is this day sentenced. My lord, and his lady, fined at £30,000, with imprisonment in the Tower at their own charges. Bingley at £2,000, and committed to the Fleet; Sir Edward Coke did his part, I have not heard him do better; and began with a fine of a £100,000. But the judges first, and most of the rest, reduced it as before. I do not dislike that things pass moderately, and, all things considered, it is not amiss, and might easily have been worse. There was much speaking of interceding for the king's mercy, which (in my opinion) was not so proper for a sentence: I said, in conclusion, that mercy was to come "ex mèro motu," and so left it. I took some other occasion pertinent to do the king honour, by showing how happy he was in all other parts of his government, save only in the manage of his treasure by these officers.

I have sent the king a new bill for Sussex, for my Lord of Nottingham's certificate was true, and I told the judges of it before, but they neglected it. I conceive the first man (which is newly set down) is the fittest. God ever preserve and keep you, etc.

SIR FRANCIS BACON TO THE LORD TREASURER BUCKHURST, UPON THE SAME OCCASION OF SENDING HIS BOOK OF ADVANCEMENT OF LEARNING.

May it please your good Lordship,

I have finished a work touching the advancement or setting forward of learning, which I have dedicated to his majesty, the most learned of a sovereign, or temporal prince, that time hath known. And upon reason not unlike, I humbly present one of the books to your lordship, not only as a chancellor of a university, but as one that was excellently bred in all learning, which I have ever noted to shine in all your speeches and behaviours. And therefore your lordship will yield a gracious aspect to your first love, and take pleasure in the adorning of that wherewith yourself are so much adorned. And so, humbly desiring your favourable acceptation thereof, with signification of my humble duty, I remain——

A LETTER OF THE LIKE ARGUMENT TO THE LORD CHANCELLOR.

May it please your good Lordship,

I humbly present your lordship with a work, wherein, as you have much commandment over the author, so your lordship hath also great interest in the argument. For, to speak without flattery, few have like use of learning, or like judgment in learning, as I have observed in your lordship. And, again, your lordship hath been a great planter of learning, not only in those places in the church which have been in your own gift, but also in your commendatory vote, no man hath more constantly held, "detur digniori;" and therefore, both your lordship is beholden to learning, and learning beholden to you. Which maketh me presume, with good assurance, that

your lordship will accept well of these my labours, the rather because your lordship in private speech hath often begun to me, in expressing your admiration of his majesty's learning, to whom I have dedicated this work; and, whose virtue and perfection in that kind, did chiefly move me to a work of this nature. And, so with signification of my most humble duty and affection towards your lordship, I remain, etc.

SIR FRANCIS BACON, OF THE LIKE ARGUMENT, TO THE EARL OF NORTHAMPTON, WITH REQUEST TO PRESENT THE BOOK TO HIS MAJESTY.

IT MAY PLEASE YOUR GOOD LORDSHIP,

Having finished a work touching the advancement of learning, and dedicated the same to his sacred majesty, whom I dare avouch (if the records of time err not) to be the learnedest king that hath reigned; I was desirous in a kind of congruity, to present it by the learnedest counsellor in this kingdom, to the end, that so good an argument, lightening upon so bad an author, might receive some reparation by the hands into which, and by which, it should be delivered. And, therefore, I make it my humble suit to your lordship to present this mean, but well meant writing to his majesty, and with it my humble and zealous duty; and also my like humble request of pardon, if I have too often taken his name in vain, not only in the dedication, but in the voucher of the authority of his speeches and writings. And so I remain, &c.

SIR FRANCIS BACON, HIS LETTER OF REQUEST TO DOCTOR PLAYFER, TO TRANSLATE THE BOOK OF ADVANCEMENT OF LEARNING INTO LATIN.

MR. DOCTOR PLAYFER,

A great desire will take a small occasion to hope, and put in trial that which is desired. It pleased you a good while since, to express unto me, the good liking which you conceive of my book, of the Advancement of Learning, and that more significantly (as it seemed to me) than out of courtesy, or civil respect. Myself, as I then took contentment in your approbation thereof, so I should esteem and acknowledge, not only my contentment increased, but my labours advanced, if I might obtain your help in that nature which I desire. Wherein, before I set down in plain terms my request unto you, I will open myself, what it was which I chiefly sought, and propounded to myself, in that work, that you may perceive that which I now desire to be pursuant thereupon, if I do not err. (For any judgment that a man maketh of his own doings, had need be spoken with a "Si nunquam fallit imago.") I have this opinion, that if I had sought my own commendation, it had been a much fitter course for me, to have done as gardeners use to do, by taking their seeds and slips, and rearing them first into plants, and so uttering them in pots, when they are in flower, and in their best state. But, forasmuch, as my end was merit of the state of learning, to my power, and not glory; and, because my purpose was rather to excite other men's wits, than to magnify my own, I was desirous to prevent the uncertainness of my own life and times, by uttering rather seeds than plants; nay, and farther, as the proverb is, by sowing with the basket, than with the hand. Wherefore, since I have only taken upon me to ring a bell, to call other wits together, (which is the meanest office,) it cannot but be consonant to my desire, to have that bell heard as far as can be. And, since that they are but sparks, which can work but upon matter prepared, I have the more reason to wish, that those sparks may fly abroad, that they may the better find, and light upon those minds and spirits which are apt to be kindled. And, therefore, the privateness of the language considered wherein it is written, excluding so many readers, (as, on the other side, the obscurity of the argument, in many parts of it, excludeth many others;) I must account it a second birth of that work, if it might be translated into Latin, without manifest loss of the sense and matter. For this purpose, I could not represent to myself any man, into whose hands I do more earnestly desire that work should fall, than yourself; for, by that I have heard and read, I know no man a greater master in commanding words to serve matter. Nevertheless, I am not ignorant of the worth of your labours, whether such as your place and profession imposeth on you, or such as your own virtue may, upon your voluntary election, take in hand. But I can lay before you no other persuasions, than either the work itself may affect you with, or the honour of his majesty, to whom it is dedicated, or your particular inclination to myself; who, as I never took so much comfort in any labours of my own, so I shall never acknowledge myself more obliged in any thing to the labour of another, than in that which shall assist this. Which your labour if I can, by my place, profession, means, friends, travail, word, deed, requite unto you, I shall esteem myself so straitly bound thereunto, as I shall be ever most ready, both to take and seek occasions of thankfulness. And so leaving it, nevertheless, "Salva amicitia," (as reason is,) to your own good liking, I remain, etc.

SIR FRANCIS BACON, TO SIR THOMAS BODLEY, UPON SENDING HIM HIS BOOK OF THE ADVANCEMENT OF LEARNING.

SIR,

I think no man may more truly say with the psalm, "multum incola fuit anima mea." For, I

do confess, since I was of any understanding, my mind hath, in effect, been absent from that I have done, and in absence errors are committed, which I do willingly acknowledge; and amongst the rest, this great one that led the rest; that knowing myself by inward calling to be fitter to hold a book, than to play a part, I have led my life in civil causes, for which I was not very fit by nature, and more unfit by the preoccupation of my mind. Therefore, calling myself home, I have now for a time enjoyed myself, where likewise I desire to make the world partaker; my labours (if so I may term that which was the comfort of my other labours) I have dedicated to the king, desirous, if there be any good in them, it may be as fat of a sacrifice incensed to his honour; and the second copy I have sent unto you, not only in good affection, but in a kind of congruity, in regard of your great and rare desert of learning: for books are the shrines where the saint is, or is believed to be. And, you having built an ark, to save learning from deluge, deserve, in propriety, any new instrument or engine, whereby learning should be improved or advanced. So, etc.

SIR THOMAS BODLEY TO SIR FRANCIS BACON, UPON HIS NEW PHILOSOPHY.

SIR,

As soon as the term was ended, supposing your leisure was more than before, I was coming to thank you two or three times, rather choosing to do it by word than letter; but I was still disappointed of my purpose, as I am at this present upon an urgent occasion, which doth tie me fast to Fulham, and hath now made me determine to impart my mind in writing. I think you know I have read your "Cogitata et visa;" which, I protest, I have done with great desire, reputing it a token of your singular love, that you joined me with those your friends, to whom you would commend the first perusal of your draught; for which I pray give me leave to say but this unto you. First, that if the depth of my affection to your person and spirit, to your works and your words, and to all your ability, were as highly to be valued as your affection is to me, it might walk with your's arm in arm, and claim your love by just desert; but there can be no comparison, where our states are so uneven, and our means to demonstrate our affections, so indifferent; insomuch as, for mine own, I must leave it to be prized in the nature that it is; and you shall evermore find it most addicted to your worth. As touching the subject of your book, you have set afoot so many noble speculations, as I cannot choose but wonder and I shall wonder at it ever, that your expense of time considered in your public profession, which hath in a manner no acquaintance with scholarship or learning, you should have culled forth the quintessence, and sucked up the sap of the chiefest kind of learning. For, howsowever, in some points, you do vary altogether from that which is and hath been ever the received doctrine of our schools, and was always by the wisest (as still they have been deemed) of all nations and ages, adjudged the truest; yet it is apparent, in those very points, in all your proposals and plots in that book, you show yourself a master workman. For myself, I must confess, and I speak it ingenuè, that for the matter of learning, I am not worthy to be reckoned in the number of smatterers; and yet, because it may seem that being willing to communicate your treatise with your friends, you are likewise willing to listen to whatsoever I or others can except against it; I must deliver unto you, for my private opinion, that I am one of the crew, that say there is, and we profess a greater holdfast of certainty in your sciences, than you by your discourse will seem to acknowledge: for where, at first, you do object the ill success and errors of practitioners of physic, you know as well, they do proceed of the patient's unruliness, for not one of a hundred doth obey his physician in their own indisposition; for few are able in that kind to explicate themselves; or by reason their diseases are by nature incurable, which is incident, you know, to many sort of maladies; or for some other hidden cause, which cannot be discovered by course of conjecture; howbeit, I am full of this belief, that as physic is ministered now-a-days by physicians, it is much ascribed to their negligence or ignorance, or other touch of imperfection, that they speed no better in their practice: for few are found, of that profession, so well instructed in their art, as they might by the precepts which their art doth afford; which, though it be defective in regard of such perfection, yet for certain it doth flourish with admirable remedies, such as tract of time hath taught by experimental effects, and are the open highway to that knowledge that you recommend. As for alchemy, and magic, some conclusions they have that are worthy the preserving: but all their skill is so accompanied with subtilties and guiles, as both the crafts and the crafts-masters are not only despised, but named with derision. Whereupon to make good your principal assertion, methinks you should have drawn the most of your examples from that which is taught in the liberal sciences, not by picking out cases that happen very seldom, and may, by all confession, be subject to reproof, but by controlling the generals, and grounds, and eminent positions and aphorisms, which the greatest artists and philosophers have from time to time defended; for it goeth for current among all men of learning, that those kinds of arts which clerks in times past did term Quadrivials,

confirm their propositions by infallible demonstrations. And likewise in Trivials, such lessons and directions are delivered unto us, as wil effect very near, or as much altogether, as every faculty doth promise. Now, in case we shoul concur to do as you advise, which is, to renounce our common notions, and cancel all our theorems, axioms, rules, and tenets, and so to come babes "ad regnum naturæ," as we are willed by scriptures to come "ad regnum cœlorum." There is nothing more certain, in my understanding, than that it would instantly bring us to barbarism, and, after many thousand years, leave us more unprovided of theorical furniture, than we are at this present: For that were indeed to become "Tabula rasa," when we shall leave no impression of any former principles, but be driven to begin the world again, to travel by trials of actions and sense, (which are your proofs by particulars,) what to place in "intellectu" for our general conceptions, it being a maxim of all men's approving; "in intellectu nihil esse quod non prius fuit in sensu." And so in appearance it would befall us, that till Plato's year be come about, our insight in learning would be of less reckoning than now it is accounted. As for that which you inculcate, of a knowledge more excellent than now is among us, which experience might produce, if we would but essay to extract it out of nature by particular probations, it is no more upon the matter, but to incite us unto that which, without instigation, by a natural instinct men will practise themselves; for it cannot in reason be otherwise thought, but that there are infinite, in all parts of the world, (for we may not in this case confine our cogitations within the bounds of Europe,) which embrace the course which you purpose, with all diligence and care, that any ability can perform. For every man is born with an appetite of knowledge, wherewith he cannot be glutted, but still, as in a dropsy, thirst after more. But yet, why men should so hearken to and such persuasions, as wholly to abolish those settled opinions, and general theorems, to which they have attained by their own and their ancestors' experience, I see nothing alleged to induce me to think it. Moreover, I may speak, as I suppose, with good probability, that if we should make a mental survey, what is like to be effected all the world over; those five or six inventions which you have selected, and imagined to be but of modern standing, would make but a slender show among so many hundreds of all kinds of natures, which are daily brought to light by the enforcement of wit or casual events, and may be compared, or partly preferred, above those that you have named. But were it so here, that all were admitted that you can require, for the augmentation of our knowledge, and that all our theorems and general positions were utterly extinguished with a new substitution of others in their places, what hope may we have of any benefit of learning by this alteration? assuredly, as soon as the new are brought *ad ἀκμὴν* by the inventors and their followers, by an interchangeable course of natural things, they will fall by degrees in oblivion to be buried, and so in continuance to perish outright; and that perchance upon the like to your present pretences, by proposal of some means to advance all our knowledge to a higher pitch of perfectness; for still the same defects that antiquity found, will reside in mankind, and therefore other issues of their actions, devices, and studies, are not to be expected than is apparent, by records, were in former times observed. I remember here a note which Paterculus made of the incomparable wits of the Grecians and Romans, in their flourishing state; that there might be this reason of their notable downfall, in their issue that came after, because by nature, "Quod summo studio petitum est, ascendit in summum, difficilisque in perfecto mora est;" insomuch that men perceiving that they could not go farther, being come to the stop, they turned back again of their own accord, forsaking those studies that are most in request, and betaking themselves to new endeavours, as if the thing they sought had been by prevention forestalled by others. So it fared in particular with the eloquence of that age, that when their successors found that hardly they could equal, by no means excel their predecessors, they began to neglect the study thereof, and speak for many hundred years in a rustical manner, till this later revolution brought the wheel about again, by flaming gallant spirits to give the onset a fresh, with straining and striving to climb unto the top and height of perfection, not in that gift alone, but in every other skill in any part of learning. For I do not hold it any erroneous conceit to think of every science, that as now they are professed, so they have been before in all precedent ages, though not alike in all places, nor at all times alike in one and the same; but according to the changes and turning of times with a more exact and plain, or with a more rude and obscure kind of teaching.

And if the question should be asked, what proof I have of it; I have the doctrine of Aristotle, and of the deepest learned clerks, of whom we have any means to take any notice; that as there is of other things, so there is of sciences, 'ortus et interitus:" which is also the meaning (if I should expound it) of "nihil novum sub sole," and is as well to be applied "ad facta," as 'ad dicta;' ut nihil neque dictum neque factum, quod non est dictum aut factum prius." I have farther for my warrant, that famous complaint of Solomon to his son, against the infinite making of books in his time, of which, in all congruity, great part were of observations and instructions

in all kind of literature, and of those there is not now so much as one pamphlet (only some parcels of the Bible excepted) remaining to posterity As then there was not in like manner to be found any footing of millions of authors that were long before Solomon, and yet we must give credit to that which he affirmed; that whatsoever was then or before, it could never be truly pronounced of it, "Behold, this is new." Whereupon I must for my final conclusion infer, seeing all the endeavours, study, and knowledge of mankind, in whatsoever art or science, have ever been the same as they are at this present, though full of mutabilities, according to the changes and accidental occasions of ages and countries, and clerks' dispositions; which can never but be subject to intention and remission, both in their devices and practices of their knowledge. If now we should accord in opinion with you; first, to condemn our present knowledge of doubt and incertitude (which you confer but by averment) without other force of argument, and then to disclaim a" our axioms and maxims, and general assertions that are left by tradition from our elders to us; which, (for so it is to be pretended) have passed all probations of the sharpest wits that ever were Abecedarii, by the frequent spelling of particulars, to come to the notice of new generals, and so afresh to create new principles of sciences, the end of all would be, that when we should be dispossessed of the learning which we have, all our consequent travail will but help us in a circle, to conduct us to the place from whence we set forwards, and bring us to the happiness to be restored "in integrum," which will require as many ages as have marched before us, to be perfectly achieved. And this I write, with no dislike of increasing our knowledge with new-found devices, (which is undoubtedly a practice of high commendation) in regard of the benefit they will yield for the present, that the world hath ever been, and will forever continue, very full of such devisers; whose industry that way hath been very obstinate and eminent, and hath produced strange effects, above the reach and the hope of men's common capacities; and yet our notions and theorems have always kept in grace both with them, and with the rarest that ever were named among the learned.

By this you see to what boldness I am brought by your kindness; that (if I seem to be too saucy in this contradiction) it is the opinion that I hold of your noble disposition, and of the freedom in these cases, that you will afford your special friend, that hath induced me to it. And although I myself, like a carrier's horse, cannot baulk the beaten way, in which I have been trained, yet since it is my censure of your Cogitata that I must tell you, to be plain, you have very much wronged yourself and the world, to smother such a treasure so long in your coffer: for though I stand well assured (for the tenor and subject of your main discourse) you are not able to impanel a jury in any university that will give up a verdict to acquit you of error; yet it cannot be gainsaid, that all your treatise over doth abound with choice conceit of the present state of learning, and with so worthy contemplations of the means to procure it, as may persuade with any student to look more narrowly to his business, not only by aspiring to the greatest perfection, of that which is now-a-days divulged in the sciences, but by diving yet deeper, as it were, into the bowels and secrets of nature, and by enforcing of the powers of his judgment and wit to learn of St. Paul, "Consectari meliora dona:" which course, would to God (to whisper so much into your ear) you had followed at the first, when you fell to the study of such a study as was not worthy such a student. Nevertheless, being so as it is, that you are therein settled, and your country soundly served; I cannot but wish with all my heart, as I do very often, that you may gain a fit reward to the full of your deserts, which I hope will come with heaps of happiness and honour.

Yours to be used, and commanded,

THO. BODLEY.

From Fulham, Feb 19, 1607.

SIR,—One kind of boldness doth draw on another; insomuch as methinks I should offend to signify, that before the transcript of your book be fitted for the press, it will be requisite for you to cast a censor's eye upon the style and the elocution; which, in the framing of some periods, and in divers words and phrases, will hardly go for current, if the copy brought to me be just the same that you would publish.

THO. BODLEY.

SIR FRANCIS BACON TO THE BISHOP OF ELY, UPON SENDING HIS WRITING INTITULED, COGITATA ET VISA.

MY VERY GOOD LORD,

Now, your lordship hath been so long in the church and the palace, disputing between kings and popes, methinks you should take pleasure to look into the field, and refresh your mind with some matter of philosophy; though that science be now, through age, waxed a child again, and left to boys and young men. And because you are wont to make me believe you took liking to my writings, I send you some of this vacation fruits, and thus much more for my mind and purpose. "I hasten not to publish, perishing I would prevent." And I am forced to respect as well my times, as the matter; for with me it is thus, and I think with all men, in my case: if I

bind myself to an argument, it loadeth my mind; but if I rid my mind of the present Cogitation, it is rather a recreation: this hath put me into these miscellanies, which I purpose to suppress, if God give me leave to write a just and perfect volume of philosophy, which I go on with, though slowly. I send not your lordship too much, lest it may glut you. Now, let me tell you what my desire is. If your lordship be so good now as when you were the good Dean of Westminster, my request to you is, that not by pricks, but by notes, you would mark unto me whatsoever shall seem unto you either not current in the style, or harsh to credit and opinion, or inconvenient for the person of the writer, for no man can be judge and party; and when our minds judge by reflection on ourselves, they are more subject to error. And though, for the matter itself, my judgment be in some things fixed, and not accessible by any man's judgment that goeth not my way, yet even in those things the admonition of a friend may make me express myself diversely. I would have come to your lordship, but that I am hastening to my house in the country, and so I commend your lordship to God's goodness.

SIR FRANCIS BACON TO SIR THOMAS BODLEY, AFTER HE HAD IMPARTED TO HIM A WRITING INTITULED, "COGITATA ET VISA."

SIR,

In respect of my going down to my house in the country, I shall have miss of my papers, which, I pray you, therefore, return unto me. You are, I bear you witness, slothful, and you help me nothing; so as I am half in conceit that you affect not the argument; for myself, I know well you love and affect. I can say no more to you, but, "non canimus surdis, respondent omnia silvæ." If you be not of the lodgings chalked up, (whereof I speak in my preface,) I am but to pass by your door. But if I had you but a fortnight at Gorhambury, I would make you tell me another tale, or else I would add a cogitation against libraries, and be revenged on you that way. I pray you send me some good news of Sir Thomas Smith, and commend me very kindly to him. So I rest.

SIR FRANCIS BACON TO MR. MATTHEW, UPON SENDING HIM PART OF INSTAURATIO MAGNA.

MR. MATTHEW,

I plainly perceive by your affectionate writing touching my work, that one and the same thing affecteth us both, which is the good end to which it is dedicated: for as to any ability of mine, it cannot merit that degree of approbation. For your caution for church men, and church matters, (as for any impediment it might be to the applause and celebrity of my work, it moveth me not) but as it may hinder the fruit and good which may come of a quiet and calm passage to the good port to which it is bound, I hold it a just respect, so as to fetch a fair wind I go not too far about. But troth is, I shall have no occasion to meet them in the way, except it be, as they will needs confederate themselves with Aristotle, who, you know, is intemperately magnified with the schoolmen, and is also allied (as I take it) to the Jesuits by Faber, who was a companion of Loyola, and a great Aristotelian. I send you at this time, the only part which hath any harshness, and yet I framed to myself an opinion, that whosoever allowed well of that preface, which you so much commend, will not dislike, or at least ought not to dislike, this other speech of preparation; for it is written out of the same spirit, and out of the same necessity. Nay, it doth more fully lay open, that the question between me and the ancients is not of the virtue of the race, but of the rightness of the way. And, to speak truth, it is to the other but as Palma to Pugnus, part of the same thing, more large. You conceive aright, that in this, and the other, you have commission to impart and communicate them to others, according to your discretion; other matters I write not of. Myself am like the miller of Huntingdon, that was wont to pray for peace among the willows; for, while the winds blew the wind-mills wrought, and the water-mill was less customed. So I see that controversies of religion must hinder the advancement of sciences. Let me conclude with my perpetual wish towards yourself, that the approbation of yourself by your own discreet and temperate carriage, may restore you to your country, and your friends to your society. And so I commend you to God's goodness.

Gray's Inn, this 10th of October, 1600.

SIR FRANCIS BACON TO MR. MATTHEW, TOUCHING INSTAURATIO MAGNA.

MR. MATTHEW, I heartily thank you for your letter of the 10th of February, and I am glad to receive from you matter both of encouragement and advertisement, touching my writings. For my part, I do wish that, since there is almost no "lumen siccum" in the world, but all "madidum, maceratum," infused in the affections, and bloods, or humours, that these things of mine had those separations that might make them more acceptable; so that they claim not so much acquaintance of the present times, as they be thereby the less like to last. And to show you that I have some purpose to new mould them, I send you a leaf or two of the preface, carrying some figure of the whole work; wherein I purpose to take that which is real and effectual of both writings, and chiefly

to add pledge, if not payment to my promise. I send you, also, a memorial of Queen Elizabeth, to requite your Eulogy of the late Duke of Florence's felicity. Of this, when you were here, I showed you some model, though, at that time, methought you were as willing to hear Julius Cæsar as Queen Elizabeth commended. But this which I send is more full, and hath more of the narrative; and farther hath one part that I think will not be disagreeable, either to you, or that place, being the true tracts of her proceeding towards the Catholics, which are infinitely mistaken. And though I do not imagine they will pass allowance there, yet they will gain upon excuse. I find Mr. Lezure to use you well, (I mean his tongue, of you,) which shows you either honest or wise. But this I speak merely; for, in good faith, I conceive hope, that you will so govern yourself, as we may take you as assuredly for a good subject, and patriot, as you take yourself for a good Christian; and so we may enjoy your company, and you your conscience, if it may no otherwise be. For my part, assure yourself that, as we say in the law, "mutatis mutandis," my love and good wishes to you are diminished. And so I remain.

SIR FRANCIS BACON TO THE KING, TOUCHING THE SOLICITOR'S PLACE.

How honestly ready I have been, most gracious sovereign, to do your majesty humble service to the best of my power, and in a manner beyond my power, (as I now stand,) I am not so unfortunate but your majesty knoweth. For, both in the commission of union, (the labour whereof, for men of my profession, rested most upon my hand,) and this last parliament in the bill of the subsidy, (both body and preamble,) in the bill of attainders of Tresham, and the rest, in the matter of purveyance, in the ecclesiastical petitions, in the grievances, and the like; as I was ever careful (and not without good success) sometimes to put forward that which was good, sometimes to keep back that which was not so good; so your majesty was pleased to accept kindly of my services, and to say to me, such conflicts were the wars of peace, and such victories, the victories of peace; and, therefore, such servants that obtained them were, by kings that reign in peace, no less to be esteemed than services of commanders in the wars. In all which, nevertheless, I can challenge to myself no sufficiency, but that I was diligent and reasonably happy to execute those directions which I received either immediately from your royal mouth, or from my Lord of Salisbury; at which time it pleased your majesty to promise and assure me, that upon the remove of the then attorney, I should not be forgotten, but brought into ordinary place. And this was after confirmed to me by many of my lords, and towards the end of the last term, the manner, also, in particular, was spoken of; that is, that Mr. Solicitor should be made your majesty's sergeant, and I solicitor, for so it was thought best, to sort with both our gifts and faculties, for the good of your service. And of this resolution both court and country took knowledge. Neither was this any invention or project of mine own, but moved from my lords; and I think, first, from my lord chancellor. Whereupon resting, your majesty well knoweth, I never opened my mouth for the greater place, though I am sure I had two circumstances, that Mr. Attorney now is, could not allege. The one, nine years' service of the crown; the other, being cousin-german to the Lord of Salisbury, whom your majesty seemeth and trusteth so much. But for less place, I conceived, it was meant me. But after that Mr. Attorney Hubbert was placed, I heard no more of my preferment, but it seemed to be at a stop, to my great disgrace and discouragement. For, (gracious sovereign,) if still when the waters are stirred, another shall be put before me, your majesty had need work a miracle, or else I shall be still a lame man to do your majesty service. And, therefore, my most humble suit to your majesty is, that this which seemed to me was intended, may speedily be performed. And I hope my former service shall be but beginnings to better, when I am better strengthened. For sure I am, no man's heart is fuller (I say not but many have greater hearts, but I say, not fuller) of love and duty towards your majesty, and your children, as I hope time will manifest against envy and detraction, if any be. To conclude, I most humbly crave pardon for my boldness, and rest——

SIR FRANCIS BACON TO THE KING, HIS SUIT TO SUCCEED IN THE ATTORNEY'S PLACE.

IT MAY PLEASE YOUR MAJESTY,

Your great and princely favours towards me in advancing me to place, and that which is to me of no less comfort, your majesty's benign and gracious acceptation from time to time of my poor services, much above the merit and value of them, hath almost brought me to an opinion, that I may sooner perchance be wanting to myself in not asking, than find your majesty's goodness wanting to me, in any my reasonable and modest desires. And, therefore, perceiving how at this time preferments of law fly about my ears, to some above me, and to some below me, I did conceive your majesty may think it rather a kind of dulness, or want of faith, than modesty, if I should not come with my pitcher to Jacob's Well, as others do. Wherein I shall propound to your majesty, that which tendeth not so much to the raising my fortune, as to the settling of my mind, being

sometimes assailed with this cogitation, that by reason of my slowness to sue and apprehend sudden occasions, keeping on one plain course of painful service, I may (in fine dierum) be in danger to be neglected and forgotten. And if that should be, then were it much better for me now while I stand in your majesty's good opinion, (though unworthy,) and have some reputation in the world, to give over the course I am in, and to make proof to do you some honour by my pen; either by writing some faithful narrative of your happy (though not untraduced) times, or by recompiling your laws, which, I perceive, your majesty laboureth with, and hath in your head, (as Jupiter had Pallas,) or some other the like work, (for without some endeavour to do you honour I would not live,) than to spend my wits and time in this laborious place, wherein now I serve, if it shall be deprived of those outward ornaments, and inward comforts, which it was wont to have in respect of an assured succession to some place of more dignity and rest, which seemeth now to be a hope altogether casual, if not wholly intercepted. Wherefore, (not to hold your majesty long,) my suit (than the which I think I cannot well go lower) is, that I may obtain your royal promise to succeed (if I live) into the attorney's place, whensoever it shall be void, it being but the natural, and immediate step and rise, which the place I now hold hath ever (in sort) made claim to, and almost never failed of. In this suit I make no friends to your majesty, but rely upon no other motive than your grace, nor any other assurance but your word, whereof I had good experience when I came to the solicitor's place, that they were like to the two great lights, which in their motions are never retrograde. So, with my best prayer for your majesty's happiness, I rest——

SIR FRANCIS BACON TO SIR GEORGE CARY IN FRANCE, UPON SENDING HIM HIS WRITING, "IN FELICEM MEMORIAM ELIZABETHÆ."

MY VERY GOOD LORD,

Being asked the question by this bearer, an old servant of my brother Anthony Bacon, whether I would command him any service into France, and being at better leisure than I would, in regard of sickness, I began to remember, that neither your business nor mine (though great and continual) can be, upon an exact account, any just occasion why so much good-will as hath passed between us should be so much discontinued as it hath been. And, therefore, because one must begin, I thought to provoke your remembrance of me, by my letter. And thinking how to fit it with somewhat besides salutations, it came to my mind, that this last summer, by occasion of a factious book that endeavoured to verify, "Misera fœmina" (the addition of the pope's bull) upon Queen Elizabeth; I did write a few lines in her memorial, which I thought you would be well pleased to read, both for the argument, and because you were wont to bear affection to my pen. "Verum, ut aliud ex alio," if it came handsomely to pass, I would be glad the President De Thou (who hath written a history, as you know, of that fame and diligence) saw it; chiefly because I know not, whether it may not serve him for some use in his story; wherein I would be glad he did right to the truth, and to the memory of that lady, as I perceive by that he hath already written, he is well inclined to do; I would be glad also, it were some occasion (such as absence may permit) of some acquaintance or mutual notice between us. For though he hath many ways the precedence, (chiefly in worth,) yet this is common to them both, that we may serve our sovereigns in places of law eminent, and not ourselves only, but that our fathers did so before us; and, lastly, that both of us love learning, and liberal sciences, which was ever a bond of friendship, in the greatest distances of places. But of this I make no farther request, than your own occasions and respects (to me unknown) may further or limit, my principal purpose being to salute you, and to send you this token, whereunto I will add my very kind commendations to my lady. And so commit you both to God's holy protection.

SIR FRANCIS BACON TO THE KING.

MAY IT PLEASE YOUR MOST EXCELLENT MAJESTY,

It is observed, upon a place in the Canticles by some, "Ego sum Flos Campi, et Lilium Convallium;" that it is not said, "Ego sum flos horti, et lilium montium:" because the majesty of that person is not enclosed for a few, nor appropriate to the great. And yet, notwithstanding, this royal virtue of access, which nature and judgment hath placed in your majesty's mind, as the portal of all the rest, could not of itself (my imperfections considered) have animated me to have made oblation of myself immediately to your majesty, had it not been joined to a habit of like liberty which I enjoyed with my late dear sovereign mistress, a princess happy in all things, but most happy in such a successor. And yet, farther, and more nearly, I was not a little encouraged, not only upon a supposal, that unto your majesty's sacred ears (open to the air of all virtues) there might have come some small breath of the good memory of my father, so long a principal counsellor in your kingdom, but also, by the particular knowledge of the infinite devotion, and incessant endeavours, beyond the strength of his body, and the nature of the times, which appeared in my

good brother towards your majesty's service, and were on your majesty's part, through your singular benignities, by many most gracious and lively significations and favours accepted and acknowledged, beyond the thought of any thing he could effect: all which endeavours and duties, for the most part, were common to myself with him, though my design between brethren dissembled. And, therefore, most high and mighty king, my most dear and dread sovereign lord, since now the corner-stone is laid of the mightiest monarchy in Europe, and that God above, who is noted to have a mighty hand in bridling the floods and fluctuations of the seas, and of people's hearts, hath by the miraculous and universal consent, (the more strange, because it proceedeth from such diversity of causes,) in your coming in, given a sign and token, what he intendeth in the continuance; I think there is no subject of your majesty, who loveth this island, and is not hollow and unworthy, whose heart is not on fire, not only to bring you peace-offerings to make you propitious; but to sacrifice himself as a burnt-offering to your majesty's service: amongst which number, no man's fire shall be more pure and fervent; but how far forth it shall blaze out, that resteth in your majesty's employment: for, since your fortune, in the greatness thereof, hath for a time debarred your majesty of the fruitful virtue which one calleth the principal, "Principis est virtus maxima nôsse suos," because your majesty hath many of yours, which are unknown unto you, I must leave all to the trial of farther time; and, thirsting after the happiness of kissing your royal hand, continue ever

Your, etc.
FR. BACON.

SIR FRANCIS BACON, TO THE LORD KINLOSS, UPON THE ENTRANCE OF KING JAMES.

MY LORD,

The present occasion awakeneth in me a remembrance of the constant amity and mutual good offices which passed between my brother deceased and your lordship, whereunto I was less strange, than in respect of the time I had reason to pretend; and withal I call to mind the great opinion my brother (who seldom failed in judgment of a person) would often express me of your lordship's great wisdom and soundness, both in head and heart, towards the service and affairs of our sovereign lord the king. The one of those hath bred in me an election, and the other a confidence, to address my good will and sincere affection to your good lordship, not doubting, in regard my course of life hath wrought me not to be altogether unseen in the matters of the kingdom, that I may be in some use, both in points of service to the king, and your lordship's particular: And, on the other side, I will not omit to desire humbly your lordship's favour, in furthering a good conceit and impression of my most humble duty, and true zeal towards the king, to whose majesty words cannot make me known, neither mine own nor others, but time will, to no disadvantage of any that shall forerun his majesty's experience, by their humanity and commendations. And so I commend your lordship to God's protection.

Your, etc.
FR. BACON.

From Gray's Inn, etc.

SIR FRANCIS BACON TO THE EARL OF NORTHUMBERLAND, CONCERNING A PROCLAMATION UPON THE KING'S ENTRY.

IT MAY PLEASE YOUR LORDSHIP,

I do hold it a thing formal and necessary, for the king to forerun his coming, be it never so speedy, with some gracious declaration for the cherishing, entertaining, and preparing of men's affections. For which purpose I have conceived a draught, it being a thing to me familiar, in my mistress her times, to have used my pen in politic writings of satisfaction. The use of this may be in two sorts: First, properly, if your lordship think convenient to show the king any such draught, because the veins and pulses of this state cannot but be known here; which if your lordship should, then I would desire your lordship to withdraw my name, and only signify that you gave some heads of direction of such a matter to one of whose style and pen you had some opinion. The other collateral, that though your lordship make no other use of it, yet it is a kind of portraiture of that which I think worthy to be advised by your lordship to the king, to express himself according to those points which are therein conceived, and perhaps more compendious and significant than if I had set them down in articles. I would have attended your lordship, but for some little physic I took. To morrow morning I will wait on you. So I ever continue, etc.

FR. BACON.

SIR FRANCIS BACON TO SIR EDWARD COKE EXPOSTULATORY.

MR. ATTORNEY,

I thought best, once for all, to let you know in plainness, what I find of you, and what you shall find of me. You take to yourself a liberty to disgrace and disable my law, experience, and discretion; what it pleases you I pray think of me. I am one that know both mine own wants and other men's; and it may be, perchance, that mine may mend when others stand at a stay: And, surely, I may not in public place endure to be

wronged, without repelling the same to my best advantage, to right myself. You are great, and therefore have the more enviers, which would be glad to have you paid at another's cost. Since the time I missed the solicitor's place, the rather, I think, by your means, I cannot expect that you and I shall ever serve as attorney and solicitor together, but either to serve with another upon your remove, or to step into some other course. So as I am more free than ever I was from any occasion of unworthy confirming myself to you, more than general good manners, or your particular good usage shall provoke; and if you had not been short-sighted in your own fortune, (as I think,) you might have had more use of me; but that tide is past. I write not this to show any friends what a brave letter I have writ to Mr. Attorney; I have none of those humours, but that I have written is to a good end, that is, to the more decent carriage of my master's service, and to our particular better understanding one another. This letter, if it shall be answered by you in deed, and not in word, I suppose it will not be the worse for us both; else it is but a few lines lost, which for a much smaller matter I would adventure. So, this being to yourself, I for my part rest,

Yours, etc.

FR. BACON.

SIR FRANCIS BACON TO SIR VINCENT SKINNER, EXPOSTULATORY.

SIR VINCENT SKINNER,

I see by your needless delays, this matter i grown to a new question, wherein, for the matter itself, it had been stayed at the beginning by my lord treasurer, and Mr. Chancellor, I should not so much have stood upon it; for the great and daily travails which I take in his majesty's service, either are rewarded in themselves, in that they are but my duty, or else may deserve a much greater matter. Neither can I think amiss of any man, that in furtherance of the king's benefit, moved the doubt, that I knew not what warrant you had, but my wrong is, that you having had my lord treasurer's, and Mr. Chancellor's warrant for payment, above a month since, you (I say) making your payments, belike, upon such differences as are better known to yourself, than agreeable to due respect of his majesty's service, have delayed all this time, otherwise than I might have expected either from our ancient acquaintance, or from that regard that one in your place may owe to one in mine. By occasion whereof there ensueth to me a greater inconvenience, that now my name, in sort, must be in question among you, as if I were a man likely to demand that that were unreasonable, or to be denied that that is reasonable; and this must be, because you can pleasure men at pleasure. But this I leave with this, that it is the first matter wherein I had occasion to discern of your friendship, which I see to fall to this, that whereas Mr. Chancellor, the last time in my man's hearing, very honourably said, that he would not discontent any man in my place, it seems you have no such caution. But my writing to you now, is to know of you, where now the stay is, without being any more beholden to you, to whom indeed no man ought to be beholden in those cases in a right course. And so I bid you farewell.

FR. BACON.

SIR FRANCIS BACON TO THE LORD CHANCELLOR.

IT MAY PLEASE YOUR LORDSHIP,

As I conceived it to be a resolution, both with his majesty, and among your lordships of his council, that I should be placed solicitor, and the solicitor to be removed to be the king's serjeant; so I most humbly thank your lordship's fartherness and forwardness therein, your lordship being the man that first devised the mean; wherefore my humble request unto your lordship is, that you would set in with some strength to finish this your work; which (I assure yourself) I desire the rather, because, being placed, I hope, for your many favours, to be able to do you some better service: for as I am, your lordship cannot use me, nor scarcely indeed know me; not that I vainly think I shall be able to do any great matter, but certainly it will frame me to use a more industrious observance and application to such as I honour so much as I do your lordship, and not, I hope, without some good offices, which may deserve your thanks. And herewithal, good my lord, I humbly pray your lordship to consider, that time groweth precious with me, and that a married man is years seven older in his thoughts the first day; and therefore what a discomfortable thing it is for me to be unsettled still. For, surely, were it not that I think myself born for to do my sovereign service, and therefore in that station I will live and die; otherwise, for mine own private comfort, it were better for me that the king should blot me out of his book, or that I should turn my course to endeavour to serve him in some other kind, than for me to stand thus at a stop, and to have that little reputation which by my industry I gather, to be scattered and taken away by continual disgraces, every new man coming in before me; and sure I am, I shall never have fairer promises and hopes from all your lordships, and I would believe you in a far greater matter: and if it were nothing else, I hope the modesty of my suit deserveth somewhat; for I know well the solicitor's place is not as your lordship left it, time working alteration, somewhat in the profession, much more in that

special place. And were it not to satisfy my wife's friends, and to get myself out of being a common gaze, and a speech, (I protest before God,) I would never speak word for it. But to conclude, as my honourable lady was some mean to make me to change the name of another; so, if it please you to help me, as you said, to change mine own name, I cannot be but more and more bounden to you; and I am much deceived, if your lordship find not the king well inclined: as for my Lord of Salisbury, he is forward and affectionate.

Yours, etc.

FR. BACON.

SIR FRANCIS BACON TO THE KING.*

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

How honestly ready I have been, most gracious sovereign, to do your majesty humble service to the best of my power, and in a manner beyond my power, as I now stand, I am not so unfortunate but your majesty knows; both in the commission of union, the labour whereof, for men of my profession, rested most upon my hands; and this last parliament, for the bill of subsidy, both body and preamble: in the bill of attainders of Tresham, and the rest; in the matter of purveyance, in the ecclesiastical petitions, in the grievances, and the like; as I was ever careful, not without good success, sometimes to put forward that which was good, sometimes to keep back that which was worse; so your majesty was pleased kindly to accept of my services, and to say to me, such conflicts were the wars of peace, and such victories the victories of peace; and therefore such servants as obtained them were, by kings that reign in peace, no less to be esteemed than conquerors in the wars. In all which, nevertheless, I can challenge to myself no sufficiency, that I was diligent, and reasonably happy to execute those directions which I have received, either immediately from your royal mouth, or from my Lord of Salisbury. At that time it pleased your majesty also to assure me, that upon the remove of the then attorney, I should not be forgotten, but be brought into ordinary place; and this was confirmed unto me by many of my lords. And towards the end of the last term, the manner also in particular spoken of, that is, that Mr. Solicitor should be made your majesty's serjeant, and I solicitor; for so it was thought best to sort with both our gifts and faculties for the good of our service, and of this resolution both court and country took notice. Neither was this any invention or project of mine own, but moved from my lords, I think first from my lord chancellor; whereupon resting, your majesty well knoweth, I never opened my mouth for the greater place, although, I am sure, I had two circumstances that Mr. Attorney that now is could not allege; the one nine years' service of the crown; the other, the being cousin-german to my Lord of Salisbury; for of my father's service I will not speak. But for the less place, I conceive, it was never meant me: but after that Mr. Attorney Hubbard was placed, I heard no more of any preferment, but it seemed to be at a stop, to my great disgrace and discontentment. For, gracious sovereign, if still, when the waters be stirred, another shall be put in before me, your majesty hath need work a miracle, or else I shall be a lame man to do your services. And therefore my most humble suit unto your majesty is, that this, which seemed to me intended, may speedily be performed; and I hope my former services shall be but as beginnings to better, when I am better strengthened: for sure I am no man's heart is fuller, I say not, but many may have greater hearts, but I say not fuller of love and duty towards your majesty and your children, as I hope time will manifest against envy and detraction, if any be. To conclude, I humbly crave pardon for my boldness, etc.

Yours, etc.

FR. BACON.

* This is merely a copy of a letter, which will be found in page 32, but there are some variations, which have induced me to insert both of them: In the latter letter he refers to his father.

LETTERS FROM THE RESUSCITATIO.

A LETTER TO QUEEN ELIZABETH, UPON SENDING OF A NEW YEAR'S GIFT.

IT MAY PLEASE YOUR MAJESTY,

According to the ceremony of the time, I would not forget, in all humbleness, to present your majesty with a small New Year's gift: nothing to my mind. And therefore to supply it, I can but pray to God to give your majesty his New Year's Gift; that is, a new year that shall be as no year to your body, and as a year with two harvests to your coffers; and every other way prosperous and gladsome. And so I remain.

A LETTER TO QUEEN ELIZABETH, UPON THE SENDING OF A NEW YEAR'S GIFT.

MOST EXCELLENT SOVEREIGN MISTRESS:

The only New Year's Gift which I can give your majesty, is that which God hath given to me: which is, a mind, in all humbleness, to wait upon your commandments and business: wherein I would to God that I were hooded, that I saw less; or that I could perform more: for now I am like a hawk, that bates, when I see occasion of service, but cannot fly, because I am tied to another's fist. But, meanwhile, I continue my presumption of making to your majesty my poor oblation of a garment, as unworthy the wearing as his service that sends it: but the approach to your excellent person may give worth to both: which is all the happiness I aspire unto.

AN ANSWER OF MY LORD OF ESSEX, TO A LETTER OF MR. BACON'S. (See p. 8.)

MR. BACON,

I can neither expound, nor censure your late actions; being ignorant of all of them, save one; and having directed my sight inward only, to examine myself. You do pray me to believe, that you only aspire to the conscience and commendation, of "Bonus Civis," and "Bonus Vir;" and I do faithfully assure you, that while that is your ambition, (though your course be active and mind contemplative,) yet we shall, both, "Convenire in eodem Tertio;" and "Convenire inter nos ipsos." Your profession of affection, and offer of good offices, are welcome to me: For answer to them, I will say but this; that you have believed I have been kind to you; and you may believe that I cannot be other, either upon humour or mine own election. I am a stranger to all poetical conceits, or else I should say somewhat of your poetical example. But this I must say; that I never flew with other wings than desire to merit; and confidence in my sovereign's favour; and when one of these wings failed me, I would light no where but at my sovereign's feet, though she suffered me to be bruised, with my fall. And till her majesty, that knows I was never bird of prey, finds it to agree with her will and her service, that my wings should be imped again, I have committed myself to the mue. No power, but my God's, and my sovereign's can alter this resolution of Your retired friend, ESSEX.

A LETTER COMMENDING HIS LOVE AND OCCASIONS TO SIR THOMAS CHALLONER, THEN IN SCOTLAND, UPON HIS MAJESTY'S ENTRANCE.

SIR,

For our money matters, I am assured you re-eived no insatisfaction: for you know my mind; nd you know my means; which now the open-ness of the time, caused by this blessed consent and peace, will increase; and so our agreement ccording to your time be observed. For the present, according to the Roman adage, (that one luster of grapes ripeneth best beside another;) I now you hold me not unworthy, whose mutual riendship you should cherish: and I, for my art, conceive good hope that you are likely to ecome an acceptable servant to the king our master. Not so much for any way made hereto-ore, (which in my judgment will make no great ifference,) as for the stuff and sufficiency, which know to be in you; and whereof I know his ajesty may reap great service. And, therefore, ny general request is, that according to that ndustrious vivacity, which you use towards your iends, you will further his majesty's good con-eit and inclination towards me; to whom words annot make me known; neither mine own nor thers; but time will, to no disadvantage of any at shall forerun his majesty's experience, by

your testimony and commendation. And though occasion give you the precedence of doing me this special good office; yet, I hope no long time will intercede, before I shall have some means to requite your favour and acquit your report. More particularly, having thought good to make oblation of my most humble service to his majesty by a few lines, I do desire your loving care and help by yourself, or such means as I refer to your discretion, to deliver and present the same to his majesty's hands. Of which letter I send you a copy, that you may know what you carry; and may take of Mr. Matthew the letter itself; if you pleased to undertake the delivery. Lastly, I do commend to yourself, and such your courtesies as occasion may require, this gentleman, Mr. Matthew, eldest son to my Lord Bishop of Durham, and my very good friend; assuring you that any courtesy, you shall use towards him, you shall use to a very worthy young gentleman, and one, I know, whose acquaintance you will much esteem. And so, I ever continue.

A LETTER TO MR. DAVIS, THEN GONE TO THE KING, AT HIS FIRST ENTRANCE.

MASTER DAVIS,

Though you went on the sudden, yet you could not go before you had spoken with yourself to the purpose, which I will now write. And, therefore, I know it shall be altogether needless, save that I meant to show you that I was not asleep. Briefly, I commend myself to your love and the well using my name; as well in repressing and answering for me, if there be any biting or nibbling at it in that place; as by imprinting a good conceit and opinion of me, chiefly in the king, (of whose favour I make myself comfortable assurance;) as otherwise in that court. And, not only so, but generally to perform to me all the good offices, which the vivacity of your wit can suggest to your mind, to be performed to one, with whose affection you have so great sympathy; and in whose fortune you have so great interest. So, desiring you to be good to concealed poets, I continue.

A LETTER TO MR. FAULES, 28 MARTII, 1603.

MR. FAULES,

I did write unto you yesterday, by Mr. Lake, (who was despatched hence from their lordships,) a letter of revivor, of those sparks of former acquaintance between us in my brother's time: and now upon the same confidence, finding so fit a messenger, I would not fail to salute you; hoping it will fall out so happily, as that you shall be one of the king's servants, which his majesty will first employ here with us: where I hope to have some means not to be barren in friendship towards you. We all thirst after the king's coming, accounting all this but as the dawning of the day, before the rising of the sun, till we have his presence. And though now his majesty must be Janus Bifrons, to have a face to Scotland as well as to England, yet, "Quod nunc instat agendum:" The expectation is here, that he will come in state and not in strength. So, for this time I commend you to God's goodness.

A LETTER TO THE EARL OF SOUTHAMPTON, UPON THE KING'S COMING IN.

IT MAY PLEASE YOUR LORDSHIP,

I would have been very glad, to have presented my humble service to your lordship by my attendance, if I could have foreseen that it should not have been unpleasing unto you. And, therefore, because I would commit no error, I chose to write; assuring your lordship, how credible soever it may seem to you at first, yet, it is as true as a thing that God knoweth; that this great change hath wrought in me no other change towards your lordship than this; that I may safely be now that which I was truly before. And so, craving no other pardon, than for troubling you with my letter, I do not now begin to be, but continue to be,

Your lordship's humble and much devoted.

A LETTER TO THE EARL OF NORTHUMBERLAND, AFTER HE HAD BEEN WITH THE KING.

IT MAY PLEASE YOUR GOOD LORDSHIP,

I would not have lost this journey, and yet I have not that I went for. For I have had no private conference to purpose with the king. No more hath almost any other English: for the speech, his majesty admitteth with some noblemen, is rather matter of grace than matter of business; with the attorney he spake, urged by the Treasurer of Scotland, but no more than needs must. After I had received his majesty's first welcome, and was promised private access: yet, not knowing what matter of service your lordship's letter carried, (for I saw it not,) and well knowing that primeness in advertisement is much, I chose rather to deliver it to Sir Thomas Heskins than to cool it in mine own hands upon expectation of access. Your lordship shall find a prince the furthest from vainglory that may be; and rather, like a prince of the ancient form than of the latter time: his speech is swift and cursory, and in the full dialect of his country, and in speech of business short, in speech of discourse large: he affecteth popularity, by gracing such as he hath heard to be popular, and not by any fashions of his own. He is thought somewhat

general in his favours; and his virtue of access is rather because he is much abroad and in press than that he giveth easy audience. He hasteneth to a mixture of both kingdoms and occasions faster perhaps than policy will well bear. I told your lordship once before, that (methought) his majesty rather asked counsel of the time past than of the time to come. But it is yet early to ground any settled opinion. For the particulars I refer to conference, having in these generals gone further, in so tender an argument, than I would have done, were not the bearer hereof so assured. So, I continue, etc.

A LETTER TO MR. PIERCE, SECRETARY TO THE DEPUTY OF IRELAND.

MASTER PIERCE,

I am glad to hear of you as I do; and for my part, you shall find me ready to take any occasion to further your credit and preferment: and I dare assure you (though I am no undertaker) to prepare your way with my Lord of Salisbury, for any good fortune which may befall you. You teach me to complain of business, whereby I write the more briefly; and yet I am so unjust, as that which I allege for mine own excuse, I cannot admit for yours. For I must by expecting, exact your letters with this fruit of your sufficiency, as to understand how things pass in that kingdom. And, therefore, having begun, I pray you continue. This is not merely curiosity, for I have ever (I know not by what instinct) wished well to that impolished part of this crown. And, so with my very loving commendations, I remain.

A LETTER TO THE EARL OF SALISBURY OF COURTESY UPON A NEW YEAR'S TIDE.

IT MAY PLEASE YOUR GOOD LORDSHIP,

Having no gift to present you with, in any degree proportionable to my mind, I desire nevertheless to take the advantage of a ceremony to express myself to your lordship; it being the first time I could make the like acknowledgment when I stood out of the person of a suitor; wherefore I must humbly pray your lordship to think of me, that now it hath pleased you, by many effectual and great benefits, to add the assurance and comfort of your love and favour to that precedent disposition which was in me to admire your virtue and merit; I do esteem whatsoever I have or may have in this world but as trash in comparison of having the honour and happiness to be a near and well accepted kinsman to so rare and worthy a counsellor, governor, and patriot. For having been a studious, if not a curious observer of antiquities of virtue, as of late pieces, I forbear to say to your lordship what I find and conceive; but to any other I would think to make myself believed. But not to be tedious in that which may have the show of a compliment, I can but wish your lordship many happy years; many more than your father had; even so many more as we may need you more. So I remain.

A LETTER OF THANKS TO THE KING, UPON MR. ATTORNEY'S SICKNESS.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I do understand, by some of my good friends, to my great comfort, that your majesty hath in mind your majesty's royal promise (which to me is "anchora spei") touching the attorney's place. I hope Mr. Attorney shall do well. I thank God I wish no man's death, nor much mine own life, more than to do your majesty service. For I account my life the accident, and my duty the substance. But this I will be bold to say: if it please God that ever I serve your majesty in the attorney's place, I have known an Attorney Cooke, and an Attorney Hobert; both worthy men, and far above myself; but if I should not find a middle way between their two dispositions and carriages, I should not satisfy myself. But these things are far or near, as it shall please God. Meanwhile, I most humbly pray your majesty to accept my sacrifice of thanksgiving for your gracious favour. God preserve your majesty. I ever remain.

A LETTER TO MY LORD MAYOR, UPON A PROCEEDING IN A PRIVATE CAUSE.

MY VERY GOOD LORD,

I did little expect when I left your lordship last, that there would have been a proceeding against Mr. Barnard to his overthrow. Wherein I must confess myself to be in a sort accessary: because he relying upon me for counsel, I advised that course which he followed. Wherein now I begin to question myself, whether, in preserving my respects to your lordship and the rest, I have not failed in the duty of my profession towards my client; for certainly, if the words had been heinous and spoken in a malicious fashion, and in some public place and well proved, and not a prattle in a tavern, caught hold of by one, who (as I hear) is a detected sycophant, (Standish I mean,) yet I know not what could have been done more than to impose upon him a grievous fine; and to require the levying of the same; and to take away his means of life by his disfranchisement; and to commit him to a defamed prison during Christmas; in honour whereof the prisoners in other courts do commonly of grace

obtain some enlargement. This rigour of proceeding (to tell your lordship and the rest, as my good friends, my opinion plainly) tendeth not to strengthen authority, which is best supported by love and fear intermixed; but rather to make people discontented and servile; especially, when such punishment is inflicted for words, not by rule of law, but by a jurisdiction of discretion, which would evermore be moderately used. And I pray God, whereas, Mr. Recorder, when I was with you, did well and wisely put you in mind of the admonitions you often received from my lords that you should bridle unruly tongues; that those kind of speeches and rumours whereunto those admonitions do refer, which are concerning the state and honour thereof, do not pass too licentiously in the city unpunished; while these words which concern your particular are so straightly inquired into, and punished with such extremity. But these things, your own wisdom (first or last) will best represent unto you. My writing unto you at this time is, to the end, that howsoever I do take it somewhat unkindly, that my mediation prevailed no more; yet I might preserve that further respect that I am willing to use unto such a state, in delivering my opinion unto you freely, before I would be of counsel, or move any thing that should cross your proceedings; which, notwithstanding, (in case my client can receive no relief at your hands,) I must and will do. Continuing, nevertheless, in other things, my wonted good affection to yourselves, and your occasions.

A LETTER TO MY LORD TREASURER SALISBURY, UPON A NEW YEAR'S TIDE.

IT MAY PLEASE YOUR GOOD LORDSHIP,

I would entreat the new year to answer for the old, in my humble thanks to your lordship; both for many your favours, and chiefly that, upon the occasion of Mr. Attorney's infirmity, I found your lordship even as I could wish. This doth increase a desire in me to express my thankful mind to your lordship; hoping that though I find age, and decays grow upon me, yet I may have a flash or two of spirit left to do you service. And I do protest before God, without compliment or any light vanity of mind, that if I knew in what course of life to do you best service, I would take it, and make my thoughts, which now fly to many pieces, to be reduced to that centre. But all this, is no more than I am, which is not much; but yet the entire of him, that is, etc.

A LETTER TO HIS MAJESTY, CONCERNING PEACHAM'S CAUSE, JANUARY, 21, 1614.

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

It grieveth me exceedingly, that your majesty should be so much troubled with this matter of Peacham's, whose raging devil seemeth to be turned into a dumb devil. But although we are driven to make our way through questions, (which I wish were otherwise,) yet, I hope well the end will be good. But then every man must put to his helping hand; for else I must say to your majesty, in this and the like cases, as St. Paul said to the centurion, when some of the mariners had an eye to the cock-boat, "except these stay in the ship, ye cannot be safe." I find in my lords great and worthy care of the business. And, for my part, I hold my opinion and am strengthened in it, by some records that I have found. God preserve your majesty.

Your majesty's most humble, and devoted subject and servant.

A LETTER TO THE KING, TOUCHING PEACHAM'S CAUSE, JANUARY 27, 1614.

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

This day, in the afternoon, was read, your majesty's letters of direction touching Peacham; which, because it concerneth properly the duty of my place, I thought it fit for me to give your majesty both a speedy and private account thereof; that your majesty, knowing things clearly how they pass, may have the true fruit of your own wisdom and clear-seeing judgment in governing the business.

First, for the regularity which your majesty (as a master in business of estate) doth prudently prescribe in examining, and taking examinations, I subscribe to it; only I will say for myself, that I was not at this time the principal examiner.

For the course your majesty directeth and commandeth, for the feeling of the judges of the King's Bench, their several opinions by distributing ourselves and enjoining secrecy, we did first find an encounter in the opinion of my Lord Coke; who seemed to affirm, that such particular and (as he called it) auricular taking of opinions, was not according to the custom of this realm; and seemed to divine that his brethren would never do it. But when I replied, that it was our duty to pursue your majesty's directions; and it were not amiss for his lordship to leave his brethren to their own answers, it was so concluded; and his lordship did desire, that I might confer with himself; and Mr. Serjeant Montague was named to speak with Justice Crooke; Mr. Serjeant Crew with Justice Houghton; and Mr. Solicitor with Justice Dodderidge. This done, I took my fellows aside, and advised that they should presently speak with the three judges, before I could speak with my Lord Coke for doubt of infusion; and that they should not in any case make any doubt to the judges, as if they

mistrusted, they would not deliver any opinion apart, but speak resolutely to them, and only make their coming to be, to know what time they would appoint to be attended with the papers. This sorted not amiss; for Mr. Solicitor came to me this evening and related to me, that he had found Judge Dodderidge very ready to give opinion in secret; and fell upon the same reason, which upon your majesty's first letter I had used to my Lord Coke at the council table; which was, that every judge was bound expressly by his oath to give your majesty counsel when he was called; and whether he should do it jointly or severally, that rested in your majesty's good pleasure, as you would require it. And though the ordinary course was to assemble them, yet there might intervene cases, wherein the other course was more convenient. The like answer made Justice Crook. Justice Houghton, who is a soft man, seemed desirous first to confer; alleging, that the other three judges had all served the crown before they were judges, but that he had not been much acquainted with business of this nature.

We purpose, therefore, forthwith, they shall be made acquainted with the papers; and that if that could be done, as suddenly as this was, I should make small doubt of their opinions; and howsoever, I hope, force of law and precedent, will bind them to the truth: neither am I wholly out of hope, that my Lord Coke himself, when I have in some dark manner put him in doubt that he shall be left alone, will not continue singular.

For Owen; I know not the reason, why there should have been no mention made thereof in the last advertisement: for I must say for myself, that I have lost no moment of time in it, as my Lord of Canterbury can bear me witness. For having received from my lord an additional of great importance; which was, that Owen of his own accord, after examination, should compare the case of your majesty (if you were excommunicated) to the case of a prisoner condemned at the bar; which additional was subscribed by one witness; but yet I perceived it was spoken aloud, and in the hearing of others, I presently sent down a copy thereof, which is now come up, attested with the hands of three more, lest there should have been any scruple of "singularis testis;" so as, for this case, I may say "omnia parata;" and we expect but a direction from your majesty, for the acquainting the judges severally; or the four judges of the King's Bench, as your majesty shall think good.

I forget not, nor forslow not your majesty's commandment touching recusants; of which, when it is ripe, I will give your majesty a true account, and what is possible to be done, and where the impediment is. Mr. Secretary bringeth "bonum voluntatem," but he is not versed much in these things; and sometimes urgeth the conclusion without the premises, and by haste hindereth. It is my lord treasurer and the exchequer must help it, if it be holpen. I have heard more ways than one, of an offer of 20,000*l.* per annum, for farming the penalties of recusants, not including any offence, capital or of premunire; wherein I will presume to say, that my poor endeavours, since I was, by your great and sole grace your attorney, have been no small spurs to make them feel your laws, and seek this redemption; wherein I must also say, my Lord Coke hath done his part: and I do assure your majesty I know it, somewhat inwardly and groundedly, that by the courses we have taken, they conform daily and in great numbers; and I would to God, it were as well a conversion as a conformity; but if it should die by dispensation or dissimulation, then I fear, that whereas your majesty hath now so many ill subjects poor and detected, you shall then have them rich and dissembled. And, therefore, I hold this offer very considerable, of so great an increase of revenue; if it can pass the fiery trial of religion and honour, which I wish all projects may pass.

Thus, inasmuch as I have made to your majesty somewhat a naked and particular account of business, I hope your majesty will use it accordingly. God preserve your majesty.

Your majesty's most humble and
devoted subject and servant.

A LETTER REPORTING THE STATE OF MY LORD CHANCELLOR'S HEALTH. JAN. 29, 1614.

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

Because I know your majesty would be glad to hear how it is with my lord chancellor; and that it pleased him out of his ancient and great love to me, which many times in sickness appeareth most, to admit me to a great deal of speech with him this afternoon, which, during these three days, he hath scarcely done to any; I thought it might be pleasing to your majesty to certify you how I found him. I found him in bed, but his spirits fresh and good, speaking stoutly, and without being spent or weary, and both willing and beginning of himself to speak, but wholly of your majesty's business. Wherein I cannot forget to relate this particular, that he wished that his sentencing of the I. S. at the day appointed, might be his last work, to conclude his services, and express his affection towards your majesty. I told him I knew your majesty would be very desirous of his presence that day, so it might be without prejudice, but otherwise your majesty esteemed a servant more than a service, especially such a servant. Not to trouble your majesty, though good spirits in sickness be uncertain calendars, yet I have very good comfort of him, and I hope by that day, etc.

A LETTER TO THE KING, GIVING HIM AN ACCOUNT OF PEACHAM'S BUSINESS, AND SOME OTHERS, JAN. 31, 1614.

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

I received this morning, by Mr. Murray, a message from your majesty of some warrant and confidence, that I should advertise your majesty of your business, wherein I had part. Wherein, I am first humbly to thank your majesty for your good acceptation of my endeavours and service; which I am not able to furnish with any other quality save faith and diligence.

For Peacham's case, I have, since my last letter, been with my Lord Coke twice; once before Mr. Secretary's going down to your majesty, and once since, which was yesterday; at the former of which times I delivered him Peacham's papers, and at this latter, the precedents which I had with care gathered and selected; for these degrees and order the business required.

At the former I told him that he knew my errand, which stood upon two points; the one, to inform him the particular case of Peacham's treasons, (for I never give it other word to him,) the other to receive his opinion to myself, and in secret, according to my commission from your majesty.

At the former time, he fell upon the same allegation which he had begun at the council table; that judges were not to give opinion by fractions, but entirely, according to the vote whereupon they should settle upon conference; and that this auricular taking of opinions, single and apart, was new and dangerous; and other words more vehement than I repeat.

I replied in civil and plain terms, that I wished his lordship, in my love to him, to think better of it; for that this, that his lordship was pleased to put into great words, seemed to me and my fellows, when we spake of it amongst ourselves, a reasonable and familiar matter, for a king to consult with his judges, either assembled or selected, or one by one; and then to give him a little outlet, to save his first opinion, (wherewith he is most commonly in love,) I added that judges sometimes might make a suit to be spared for their opinion till they had spoken with their brethren; but if the king, upon his own princely judgment, for reason of estate, should think fit to have it otherwise, and should so demand it, there was no declining; nay, that it touched upon a violation of their oath, which was, to counsel the king without distinction, whether it were jointly or severally. Thereupon, I put him the case of the privy council, as if your majesty should be pleased to command any of them to deliver their opinion apart and in private; whether it were a good answer to deny it, otherwise than if it were propounded at the table. To this he said, that the cases were not alike, because this concerned life. To which I replied, that questions of estate might concern thousands of lives; and many things more precious than the life of a particular; as war and peace, and the like.

To conclude, his lordship, "tanquam exitum quærens," desired me for the time to leave with him the papers, without pressing him to consent to deliver a private opinion till he had perused them. I said I would; and the more willingly, because I thought his lordship, upon due consideration of the papers, would find the case to be so clear a case of treason, as he would make no difficulty to deliver his opinion in private; and so I was persuaded of the rest of the judges of the King's Bench; who, likewise, as I partly understood, made no scruple to deliver their opinion in private. Whereupon, he said, (which I noted well,) that his brethren were wise men, and that they might make a show as if they would give an opinion as was required, but the end would be, that it would come to this, they would say they doubted of it, and so pray advice with the rest. But to this I answered, that I was sorry to hear him say so much, lest, if it came so to pass, some that loved him not might make a construction that that which he had foretold he had wrought. Thus your majesty sees that, as Solomon saith, "gressus nolentis tanquam in sepi spinarum," it catcheth upon every thing.

The latter meeting is yet of more importance; for, then, coming armed with divers precedents, I thought to set in with the best strength I could, and said, that before I descended to the record, I would break the case to him thus: that it was true we were to proceed upon the ancient statute of King Edward the Third, because other temporary statutes were gone, and therefore it must be said in the indictment, "imaginatus est, et compassavit, mortem et finalem destructionem domini regis." Then must the particular treasons follow in this manner, viz.: "Et quod, ad perimplendum nefandum propositum suum, composuit, et conscripsit, quendam detestabilem, et venenosum libellum, sive scriptum, in quo inter alia proditoria continetur," etc. And then the principal passages of treason, taken forth of the papers, are to be entered "in hæc verba;" and with a conclusion in the end, "ad intentionem, quod ligeus populus, et veri subditi domini regis, cordialem suum amorem, a domino rege retraherent et ipsum dominum regem relinquerent, et guerram, et insurrectionem, contra eum, levarent, et facerent," etc. I have in this former followed the ancient style of the indictments for brevity's sake, though, when we come to the business itself, we shall enlarge it according to the use of the later times. This I represented to him, (being a thing he is well acquainted with,) that he might perceive the platform of that was intended, without any mistaking or obscurity. But then I fell to the matter itself, to lock him in as much as I could. viz.:

That there be four means or manners, whereby the death of the king is compassed and imagined.

The first, by some particular fact or plot.

The second, by disabling his title; as by affirming that he is not lawful king; or that another ought to be king; or that he is a usurper, or a bastard, or the like.

The third, by subjecting his title to the pope; and thereby making him of an absolute king a conditional king.

The fourth, by disabling his regiment, and making him appear to be incapable, or indign to reign.

These things I relate to your majesty, in sum, as is fit; which when I opened to my lord I did insist a little more upon, with more efficacy and edge, and authority of law and record than I can now express.

Then I placed Peacham's treason within the last division, agreeable to divers precedents, whereof I had the records ready; and concluded, that your majesty's safety, and life, and authority, was thus by law ensconsed and quartered; and that it was in vain to fortify on three of the sides, and so leave you open on the fourth.

It is true he heard me in a grave fashion, more than accustomed, and took a pen and took notes of my divisions; and when he read the precedents and records, would say, this you mean falleth within your first or your second division. In the end, I expressly demanded his opinion, as that whereto both he and I was enjoined. But he desired me to leave the precedents with him, that he might advise upon them. I told him, the rest of my fellows would despatch their part, and I should be behind with mine; which, I persuaded myself, your majesty would impute rather to his backwardness than my negligence. He said, as soon as I should understand that the rest were ready, he would not be long after with his opinion.

For I. S., your majesty knoweth the day draweth on; and my lord chancellor's recovery, the season and his age promising not to be too hasty. I spake with him on Sunday, at what time I found him in bed, but his spirits strong, and not spent or wearied; and spake wholly of your business leading me from one matter to another. And wished, and seemed to hope, that he might attend the day for I. S., and it were (as he said) to be his last work, to conclude his services and express his affection towards your majesty. I presumed to say to him, that I knew your majesty would be exceeding desirous of his being present that day, so as that it might be without prejudice to his continuance; but that otherwise your majesty esteemed a servant more than a service; especially such a servant. Surely, in mine opinion, your majesty were better put off the day than want his presence, considering the cause of the putting off is so notorious; and then the capital and the criminal may come together the next term.

I have not been unprofitable in helping to discover and examine within these few days a late patent, by surreption obtained from your majesty, of the greatest forest in England, worth 30,000*l.*, under colour of a defective title, for a matter of 400*l.* The person must be named, because the patent must be questioned. It is a great person, my Lord of Shrewsbury; or rather (as I think) a greater than he, which is my Lady of Shrewsbury. But I humbly pray your majesty, to know this first from my lord treasurer; who, methinks, groweth even studious in your business. God preserve your majesty. Your majesty's most humble and devoted subject and servant.

The rather in regard of Mr. Murray's absence, I humbly pray your majesty to have a little regard to this letter.

A LETTER TO THE KING TOUCHING MY LORD CHANCELLOR'S AMENDMENT, AND THE PUTTING OFF I. S. HIS CAUSE. FEBRUARY 7, 1614.

IT MAY PLEASE YOUR EXCELLENT MAJESTY:

My lord chancellor sent for me, to speak with me, this morning, about eight of the clock. I perceive he hath now that signum sanitatis, as to feel better his former weakness. For it is true, I did a little mistrust that it was but a boutade of desire and good spirit, when he promised himself strength for Friday, though I was won and carried with it. But now I find him well inclined, to use (should I say) your liberty, or rather your interdict, signified by Mr. Secretary from your majesty. His lordship showed me also your own letter, whereof he had told me before, but had not showed it me. What shall I say? I do much admire your goodness for writing such a letter at such a time.

He had sent also to my lord treasurer, to desire him to come to him about that time. His lordship came; and, not to trouble your majesty with circumstances, both their lordships concluded, myself present, and concurring, that it could be no prejudice to your majesty's service to put off the day for I. S. till the next term. The rather because there are seven of your privy council, which are at least numerous, and part of the court which are by infirmity like to be absent; that is, my lord chancellor, my lord admiral, my Lord of Shrewsbury, my Lord of Exeter, my Lord Zouch, my Lord Stanhope, and Mr. Chancellor of the Duchy: wherefore they agreed to hold a council to-morrow in the afternoon for that purpose.

It is true, that I was always of opinion, that it was no time lost; and I do think so the rather

because I could be content that the matter of Peacham were first settled and put to a point. For there be, perchance, that would make the example upon I. S. to stand for all. For Peacham, I expect some account from my fellows this day. If it should fall out otherwise, then I hope it may not be left so. Your majesty, in your last letter, very wisely, put in a disjunctive that the judges should deliver an opinion privately, either to my lord chancellor or to ourselves, distributed; his sickness, made the latter way to be taken: but the other may be reserved. with some accommodating, when we see the success of the former.

I am appointed, this day, to attend my lord treasurer for a proposition of raising profit and revenue, by enfranchising copy-holders. I am right glad to see the patrimonial part of your revenue well looked into, as well as the fiscal. And I hope it will so be, in other parts as well as this. God preserve your majesty.

Your majesty's most humble and devoted subject and servant.

A LETTER TO THE KING OF ACCOUNT OF OWEN'S CAUSE, ETC. 11 FEBRUARY, 1614.

It may please your excellent Majesty,

Myself, with the rest of your counsel learned, conferred with my Lord Coke and the rest of the judges of the King's Bench only, being met at my lord's chamber, concerning the business of Owen. For although it be true that your majesty in your letter did mention, that the same course might be held in the taking of opinions apart, in this which was prescribed and used in Peacham's cause; yet both my lords of the council and we, amongst ourselves, holding it, in a case so clear, not needful; but rather that it would import a diffidence in us, and deprive us of the means to debate it with the judges (if cause were) more strongly, (which is somewhat,) we thought best rather to use this form.

The judges desired us to leave the examinations and papers with them, for some little time, to consider (which is a thing they use;) but I conceive there will be no manner of question made of it. My lord chief justice, to show forwardness, (as I interpret it,) showed us passages of Suarez and others, thereby to prove, that though your majesty stood not excommunicated by particular sentence, yet by the general bulls of Cœna Domini, and others, you were upon the matter excommunicated; and therefore that the treason was as De præsenti. But I that foresee, that if that course should be held, when it cometh to a public day, to disseminate to the vulgar an opinion that your majesty's case is all one as if you were de facto particularly and expressly excommunicated, it would but increase the danger of your person with those that are desperate Papists; and that it is needless; I commended my lord's diligence, but withal put it by; and fell upon the other course, (which is the true way;) that is, that whosoever shall affirm, in diem, or sub-conditione, that your majesty may be destroyed, is a traitor de præsenti; for that he maketh you but tenant for life at the will of another. And I put the Duke of Buckingham's case, who said, that if the king caused him to be arrested of treason, he would stab him; and the case of the impostress, Elizabeth Barton, that said, that if King Henry the Eighth took not his wife again, Katharine Dowager, he should be no longer king; and the like.

It may be these particulars are not worth the relating. But, because I find nothing in the world, so important to your service as to have you thoroughly informed, (the ability of your direction considered,) it maketh me thus to do; most humbly praying your majesty to admonish me, if I be over troublesome.

For Peacham, the rest of my fellows are ready to make their report to your majesty, at such time, and in such manner, as your majesty shall require it. Myself yesterday, took my Lord Coke aside, after the rest were gone, and told him all the rest were ready, and I was now to require his lordship's opinion, according to my commission. He said, I should have it; and repeated that, twice or thrice, as thinking he had gone too far, in that kind of negative (to deliver any opinion apart) before; and said he would tell it me within a short time, though he were not at that instant ready. I have tossed this business, in omnes partes, whereof I will give your majesty knowledge, when time serveth. God preserve your majesty.

Your majesty's most humble and devoted subject and servant.

A LETTER TO THE KING, REPORTING THE DAY OF HEARING OF I. S. HIS CAUSE, IN THE STAR CHAMBER. 29 APRIL, 1615.

It may please your excellent Majesty,

I. S.'s day is past, and well past. I hold it to be Janus bifrons; it hath a good aspect to that which is past, and to the future; and doth both satisfy and prepare. All did well: My lord chief justice delivered the law for the benevolence, strongly; I would he had done it timely. Mr. Chancellor of the Exchequer spake finely, somewhat after the manner of the late lord privy seal: not all out so sharply, but as elegantly. Sir Thomas Lake (who is also new in that court) did very well, familiarly and counsellor-like. My Lord of Pembroke (who is likewise a stranger there) did extraordinary well, and became himself well, and had an evident applause. I meant well also; and because my information was the

ground, having spoken out of a few heads which I had gathered; (for I seldom do more) I set down, as soon as I came home, cursorily, a frame of that I had said; though I persuade myself I spake it with more life. I have sent it to Mr. Murray, sealed; if your majesty have so much idle time to look upon it, it may give some light of the day's work: but I most humbly pray your majesty to pardon the errors. God preserve you ever.

Your majesty's most humble subject,
and devoted servant.

A LETTER TO THE KING, CONCERNING THE NEW COMPANY. AUGUST 12, 1615.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

Your majesty shall shortly receive the bill, for the incorporation of the New Company; together with a bill, for the privy seal, being a dependency thereof. For this morning I subscribed and docketed them both. I think it, therefore, now time, to represent to your majesty's high wisdom that which I conceive, and have had long in mind, concerning your majesty's service and honourable profit in this business.

This project, which hath proceeded from a worthy service of the lord treasurer, I have from the beginning constantly affected; as may well appear by my sundry labours from time to time in the same. For I hold it a worthy character of your majesty's reign and times; insomuch, as though your majesty might have at this time (as is spoken) a great annual benefit for the quitting of it, yet, I shall never be the man that should wish your majesty to deprive yourself of that beatitude; "Beatius est dare, quàm accipere," in this cause; but to sacrifice your profit (though, as your majesty's state is, it be precious to you) to so great a good of your kingdom: although this project is not without a profit, immediate unto you, by the increasing of customs upon the materials of days.

But here is the case. The New Company, by this patent and privy seal, are to have two things wholly diverse from the first intention; or rather, ex diametro, opposite unto the same; which, nevertheless, the most of necessity have, or else the work is overthrown. So as I may call them, mala necessaria, but yet withal temporary. For as men make war to have peace, so these merchants must have license for whites, to the end to banish whites; and they must have license to use teyntours, to the end to banish teyntours.

This is therefore that I say; your majesty upon these two points may justly, and with honour, and with preservation of your first intention inviolate, demand profit in the interim, as long as these unnatural points continue, and then to cease. For your majesty may be pleased to observe they are to have all the Old Company's profit, by the trade of whites; they are again to have upon the proportion of clothes, which they shall vend dyed and dressed, the Fleming's profit upon the teyntour. Now then as I say, as it had been too good husbandry for a king to have taken profit of them if the project could have been effected at once, (as was voiced;) so on the other side it might be, perchance, too little husbandry and profidence to take nothing of them, for that which is merely lucrative to them, in the mean time. Nay, I say further, this will greatly conduce and be a kind of security to the end desired. For I always feared, and do yet fear, that when men, by condition merchants, though never so honest, have gotten into their hands the trades of whites, and the dispensation of teyntour, wherein they shall reap profit for that which they never sowed; but have gotten themselves certainties, in respect of the state's hopes; they are like enough to sleep upon this, as upon a pillow, and to make no haste to go on with the rest. And though it may be said that that is a thing will easily appear to the state, yet (no doubt) means may be devised and found to draw the business in length. So that I conclude that if your majesty take a profit of them, in the interim, (considering you refuse profit from the Old Company,) it will be both spur and bridle to them to make them pace aright to your majesty's end.

This, in all humbleness, according to my avowed care and fidelity, being no man's man but your majesty's, I present, leave, and submit to your majesty's better judgment; and I could wish your majesty would speak with Sir Thomas Lake in it; who, besides his good habit which he hath in business, beareth (methinks) an indifferent hand in this particular; and (if it please your majesty) it may proceed as from yourself, and not as a motion or observation of mine.

Your majesty need not in this to be straitened in time, as if this must be demanded or treated, before you sign their bill; for I, foreseeing this, and foreseeing that many things might fall out which I could not foresee, have handled it so, as with their good contentment there is a power of revocation inserted into their patent. And so, commending your majesty to God's blessed and precious custody, I rest

Your majesty's most humble and devoted
subject and servant.

LETTER TO SIR GEORGE VILLIERS, TOUCHING ROPER'S PLACE. JANUARY 22, 1615.

SIR,

Sending to the king upon occasion, I would not fail to salute you by my letter; which, that it may be more than two lines, I add this for news; that as I was sitting by my lord chief

justice upon the commission for the indicting of the great person, one of the judges asked him whether Roper were dead? He saith, he for his part knew not; another of the judges answered, It should concern you, my lord, to know it. Whereupon he turned his speech to me, and said, No, Mr. Attorney, I will not wrestle now in my latter times. My lord, (said I,) you speak like a wise man. Well, (saith he,) they have had no luck with it that have had it. I said again, "Those days be past." Here you have the dialogue to make you merry, but in sadness I was glad to perceive he meant not to contest. I can but honour and love you, and rest

Your assured friend and servant.

A LETTER TO THE KING, ADVISING HOW TO BREAK OFF WITH THE NEW COMPANY. FEBRUARY 3, 1615.

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

I spake yesternight long with my Lord Coke; and for the "Rege Inconsulto," I conceive by him it will be "an ampliùs deliberandum censeo," (as I thought at first,) so as for the present your majesty shall not need to renew your commandment of stay. I spake with him also about some propositions concerning your majesty's casual revenue, wherein I found him to consent with me fully; assuming, nevertheless, that he had thought of them before; but it is one thing to have the vapour of a thought; another to digest business aright. He, on his part, imparted to me divers things of great weight concerning the reparation of your majesty's means and finances, which I heard gladly; insomuch as he perceiving the same, I think, was the readier to open himself to me in one circumstance, which he did much inculcate. I concur freely with him that they are to be held secret; for I never saw but that business is like a child which is framed invisibly in the womb, and if it come forth too soon it will be abortive. I know in most of them the prosecution must rest much upon myself. But I, that had the power to prevail in the farmer's case of the French wines, without the help of my Lord Coke, shall be better able to go through these with his help, the ground being no less just. And this I shall ever add of mine own, that I shall ever respect your majesty's honour no less than your profit; and shall also take care, according to my pensive manner, that that which is good for the present have not in it hidden seeds of future inconveniences.

The matter of the New Company was referred to me by the lords of the privy council; wherein, after some private speech with Sir Lionel Cranfield, I made that report which I held most agreeable to truth and your majesty's service. If this New Company break, it must either be put upon the patent or upon the order made by themselves. For the patent, I satisfied the board that there was no title in it which was not either verbatim in the patent of the Old Company, or by special warrant from the table, inserted. My Lord Coke, with much respect to me, acknowledged, but disliked the old patent itself, and disclaimed his being at the table when the additions were allowed. But in my opinion, (howsoever my Lord Coke, to magnify his science in law, draweth every thing, though sometimes unproperly and unseasonably, to that kind of question,) it is not convenient to break the business upon these points. For, considering they were but clauses that were in the former patents, and in many other patents of companies, and that the additions likewise passed the allowance of the table, it will be but clamoured, and perhaps conceived, that to quarrel them now is but an occasion taken, and that the times are changed rather than the matter. But that which preserveth entire your majesty's honour, and the constancy of your proceedings, is to put the breach upon their orders.

For this light I gave in my report, which the table readily apprehended and much approved; that if the table reject their orders as unlawful and unjust, it doth free you from their contract; for whosoever contracteth, or undertaketh any thing, is always understood to perform it by lawful means; so, as they have plainly abused the state if that which they have undertaken be either impossible or unjust.

I am bold to present this consideration to that excellent faculty of your majesty's judgment, because I think it importeth that future good which may grow to your majesty in the close of this business; that the falling off be without all exception. God have you in his precious custody.

Your majesty's most humble and
bounden subject and servant.

A LETTER TO THE KING TOUCHING THE LORD CHANCELLOR'S SICKNESS. FEBRUARY 9, 1615.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I am glad to understand by Mr. Murray that your majesty accepteth well of my poor endeavours in opening unto you the passages of your service; that business may come the less crude, and the more prepared to your royal judgment, the perfection whereof, as I cannot expect they should satisfy in every particular, so I hope, through my assiduity, there will result a good total.

My lord chancellor's sickness falleth out "dure tempore." I have always known him a wise

man, and of just elevation for monarchy, but your majesty's service must not be mortal; and if you lose him, as your majesty hath now of late purchased many hearts by depressing the wicked, so God doth minister unto you a counterpart to do the like by raising the honest. God evermore preserve your majesty.

Your majesty's most humble subject
and bounden servant.

A LETTER TO SIR GEORGE VILLIERS, TOUCHING A MOTION TO SWEAR HIM COUNCILLOR. FEB. 21, 1615.

SIR,—My lord chancellor's health growing with the days, and his resignation being an uncertainty, I would be glad you went on with my first motion, my swearing privy councillor. This I desire, not so much to make myself more sure of the other, and to put it past competition; (for herein, I rest wholly upon the king, and your excellent self) but, because I find hourly, that I need this strength in his majesty's service, both for my better warrant, and satisfaction of my conscience, that I deal not in things above my vocation; and for my better countenance and prevailing where his majesty's service is under any pretext opposed, I would it were despatched. I remember a greater matter than this, was despatched by a letter from Royston; which was, the placing of the archbishop that now is: and I imagine, the king did on purpose, that the act might appear to be his own.

My lord chancellor told me yesterday, in plain terms, that if the king would ask his opinion touching the person that he would commend to succeed him, upon death or disability, he would name me for the fittest man. You may advise whether use may not be made of this offer.

I sent a pretty while since a paper to Mr. John Murray, which was, indeed, a little remembrance of some things past; concerning my honest and faithful services to his majesty, not by way of boasting, (from which I am far,) but as tokens of my studying his service uprightly and carefully. If you be pleased to call for the paper which is with Mr. John Murray, and to find a fit time, that his majesty may cast an eye upon it, I think it will do no hurt: and I have written to Mr. Murray to deliver the paper if you call for it. God keep you in all happiness.

Your truest servant.

A LETTER TO THE KING OF ADVICE, UPON THE BREACH OF THE NEW COMPANY. FEB. 25, 1615.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

Your privy council have wisely and truly discerned of the orders and demands of the New Company, that they are unlawful and unjust, and themselves have now acknowledged the work impossible without them by their petition in writing, now registered in the Council Book: so as this conclusion (of their own making) is become peremptory and final to themselves; and the impossibility confessed the practice and abuse, reserved to the judgment the state shall make of it.

This breach then of this great contract is wholly on their part; which could not have been, if your majesty had broken upon the patent: for the patent was your majesty's act, the orders are their act; and in the former case they had not been liable to further question, now they are.

There rest two things to be considered: the one if they (like Proteus when he is hard held) shall yet again vary their shape, and shall quit their orders, convinced of injustice, and lay their imposition only upon the trade of whites, whether your majesty shall further expect? The other, if your majesty dissolve them upon this breach on their part, what is further to be done for the setting of the trade again in joint, and for your own honour and profit? In both which points I will not presume to give opinion, but only to break the business for your majesty's better judgment.

For the first, I am sorry the occasion was given, (by my Lord Coke's speech at this time of the commitment of some of them,) that they should seek, "omnem movere lapidem," to help themselves. Better it had been, if (as my Lord Fenton said to me that morning very judiciously, and with a great deal of foresight) that, for that time, they should have had a bridge made for them to be gone. But my Lord Coke floweth according to his own tides, and not according to the tides of business. The thing which my Lord Coke said, was good and too little, but at this time it was too much. But that is past. Howsoever, if they should go back, and seek again to entertain your majesty with new orders or offers, (as is said to be intended,) your majesty hath ready two answers of repulse, if it please your majesty to use them.

The one, that this is now the fourth time that they have mainly broken with your majesty and contradicted themselves. First, They undertook to dye and dress all the cloths of the realm; soon after they wound themselves into the trade of whites, and came down to the proportion contracted. Secondly, They ought to have performed that contract according to their subscription, pro rata, without any of these orders and impositions: soon after they deserted their subscription, and had recourse to these devices of orders. Thirdly, If by order and not by subscription, yet their orders should have laid it upon the whites, which is an unlawful and prohibited trade, nevertheless, they would have brought in lawful and settled trades, full manufactures, merchandise of all natures, poll money or brotherhood money, and I cannot

tell what. And now lastly, it seemeth they would go back to lay it upon the whites: And, therefore, whether your majesty will any more rest and build this great wheel of your kingdom, upon these broken and brittle pins, and try experiments further upon the health and body of your state, I leave to your princely judgment.

The other answer of repulse is a kind of opposing them what they will do after the three years contracted for? Which is a point hitherto not much stirred, though Sir Lionel Cranfield hath ever beaten upon it in his speech with me: for after three years they are not tied, otherways than as trade shall give encouragement; of which encouragement your majesty hath a bitter taste. And if they should hold on according to the third year's proportion, and not rise on by further gradation, your majesty hath not your end. No, I fear, and having long feared that this feeding of the foreigner may be dangerous. For as we may think to hold up our clothing by vent of whites, till we can dye and dress; so they (I mean the Dutch) will think to hold up their manufacture of dying and dressing upon our whites till they can cloth: so as your majesty hath the greatest reason in the world to make the New Company to come in and strengthen that part of their contract; and they refusing (as it is confidently believed they will) to make their default more visible to all men.

For the second main part of your majesty's consultation, (that is, what shall be done, supposing an absolute breach,) I have had some speech with Mr. Secretary Lake, and likewise with Sir Lionel Cranfield; and (as I conceive) there may be three ways taken into consideration. The first is, that the Old Company be restored, who (no doubt) are in appetite, and (as I find by Sir Lionel Cranfield) not unprepared; and that the licenses, the one, that of 30,000 cloths, which was the old license; the other, that of my Lord of Cumberland's, which is without stint, (my Lord of Cumberland receiving satisfaction,) be compounded into one entire license without stint; and then that they amongst themselves take order for that profit which hath been offered to your majesty. This is a plain and known way, wherein your majesty is not an actor; only it hath this, that the work of dying and dressing cloths, which hath been so much glorified, seemeth to be wholly relinquished if you leave there. The second is, that there be a free trade of cloth, with this difference; that the dyed and dressed pay no custom, and the whites double custom, it being a merchandise prohibited and only licentiate. This continueth in life and fame the work desired, and will have popular applause. But I do confess I did ever think, that trading in companies is most agreeable to the English nature, which wanteth that same general vein of a republic, which runneth in the Dutch; and serveth to them instead of a company. And, therefore, I dare not advise to adventure this great trade of the kingdom (which hath been so long under government) in a free or loose trade. The third is, a compounded way of both, which is, to go on with the trade of whites by the Old Company restored; and, that your majesty's profit be raised by order amongst themselves, rather than by double custom, wherein you must be the actor: and, that, nevertheless, there be added a privilege to the same company to carry out cloths dyed and dressed custom free; which will still continue as a glorious beam of your majesty's royal design. I hope and wish at least that this, which I have written, may be of some use to your majesty to settle by the advice of the lords about you this great business. At the least it is the effect of my care and poor ability, which if in me be any, it is given me to no other end but faithfully to serve your majesty. God ever preserve you.

Your majesty's most humble subject,
and bounden servant.

ANOTHER LETTER, TO SIR GEORGE VILLIERS, TOUCHING A MOTION TO SWEAR HIM COUNCILLOR. FEBRUARY 27. 1615.

SIR,—I humbly pray you not to think me over hasty or much in appetite, if I put you in remembrance of my motion of strengthening me with the oath and trust of a privy councillor; not for mine own strength, (for as to that, I thank God I am armed within,) but for the strength of my service. The times, I submit to you who knoweth them best. But sure I am, there were never times which did more require a king's attorney to be well armed, and (as I said once to you) to wear a gauntlet and not a glove. The arraignments, when they proceed; the contention between the Chancery and King's Bench; the great cause of the rege inconsulto, which is so precious to the king's prerogative; divers other services that concern the king's revenue, and the repair of his estate. Besides, it pleaseth his majesty to accept well of my relations touching his business; which may seem a kind of interloping (as the merchants call it) for one that is no councillor. But I leave all unto you, thinking myself infinitely bounden unto you for your great favours; the beams whereof I see plainly reflect upon me even from others: so that now I have no greater ambition than this; that as the king showeth himself to you the best master, so I might be found your best servant. In which wish and vow, I shall ever rest,

Most devoted and affectionate to obey
your commands.

A LETTER TO SIR GEORGE VILLIERS, TOUCHING HIS SWEARING COUNCILLOR. MAY 30, 1616.

SIR,—The time is, as I should think, now or never, for his majesty to finish his good meaning

towards me; if it please him to consider what is past, and what is to come.

If I would tender my profit, and oblige men unto me by my place and practice, I could have more profit than I could devise, and could oblige all the world and offend none; which is a brave condition for a man's private. But my heart is not on these things. Yet, on the other side, I would be sorry that worthless persons should make a note that I get nothing but pains and enemies; and a little popular reputation, which followeth me whether I will or no. If any thing be to be done for yourself, I should take infinite contentment, that my honour might wait upon yours: But I would be loath it should wait upon any man's else. If you would put your strength to this business it is done; and that done many things more will begin. God keep you ever; I rest,

Your true and devoted servant.

A LETTER TO SIR GEORGE VILLIERS, UPON THE CHOICE HIS MAJESTY GAVE HIM, WHETHER HE WOULD BE SWORN COUNCILLOR, OR HAVE ASSURANCE TO SUCCEED THE CHANCELLOR. JUNE 3, 1616.

SIR,—The king giveth me a noble choice, and you are the man my heart ever told me you were. Ambition would draw me to the latter part of the choice; but in respect of my hearty wishes that my lord chancellor may live long, and the small hopes I have, that I shall live long myself, and above all, because I see his majesty's service daily and instantly bleedeth; towards which I persuade myself (vainly, perhaps, but yet in mine own thoughts firmly and constantly) that I shall give, when I am of the table, some effectual furtherance, (as a poor thread of the labyrinth, which hath no other virtue but a united continuance, without interruption or distraction,) I do accept of the former, to be councillor for the present, and to give over pleading at bar: let the other matter rest upon my proof and his majesty's pleasure, and the accidents of time. For, to speak plainly I would be loath that my lord chancellor, to whom I owe most after the king and yourself, should be locked to his successor for any advancement or gracing of me. So I ever remain

Your true, and most devoted,
and obliged servant.

TO HIS VERY HONOURABLE GOOD FRIEND, SIR GEORGE VILLIERS, MASTER OF THE HORSE TO HIS MAJESTY, AND OF THE MOST NOBLE ORDER OF THE GARTER. JUNE 12, 1616.

SIR,—I send his majesty a draught of the act of council, concerning the judges' letter; penned as near as I could to his majesty's instructions received in your presence. I then told his majesty my memory was not able to keep way with his, and therefore his majesty will pardon me for any omission or errors, and be pleased to supply and reform the same. I am preparing some other materials for his majesty's excellent hand concerning business that is coming on. For since his majesty hath renewed my heart within me, methinks I should double my endeavours. God ever preserve and prosper you. I rest

Your most devoted,
and bounden servant.

A LETTER TO SIR GEORGE VILLIERS, FOR THE RESTORING OF DOCTOR BURGIS TO PREACH. JUNE 12, 1616.

SIR,—I do think you may do yourself honour, and (that which is more) do a good work, if you will assist and perfect a motion begun (and that upon a good ground, both of submission and conformity) for the restoring of Doctor Burgis to preach; and I wish, likewise, that if Gray's-Inn should think good (after he is free from the state) to choose him for their preacher, his majesty should not be against it; for certainly we should watch him well if he should fly forth; so as he cannot be placed in a more safe auditory. This may seem a trifle, but I do assure you, I do scarce know a particular wherein you may open more honest mouths to speak honour of you than this. And I do extremely desire there may be a full cry from all sorts of people (especially the best) to speak and to trumpet out your commendations. I pray you take it to heart, and do somewhat in it. I rest

Your devoted and bounden servant.

A LETTER TO THE KING, TOUCHING SIR GEORGE VILLIERS' PATENT FOR BARON OF BLETCHLEY AND VISCOUNT VILLIERS. AUGUST 12, 1616.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I have sent Sir George Villiers' patent, drawn again, containing also a barony; the name Bletchley is his own, and to my thinking, soundeth better than Whaddon. I have included both in one patent, to avoid a double preface, and as hath been used in the patents of earls of like nature; nevertheless, the ceremony of robing, and otherwise, is to be double, as is also used in like cases of earls.

It resteth that I express unto your majesty my great joy in your honouring and advancing this gentleman; whom to describe, not with colours, but with true lines, I may say this; your majesty certainly hath found out and chosen a safe nature, a capable man, an honest will, generous and noble affections, and a courage well lodged; and one, that I know, loveth your majesty

unfeignedly; and admireth you as much as is in a man to admire his sovereign upon earth. Only your majesty's school (wherein he hath already so well profited as in this entrance upon the stage, being the time of greatest danger, he hath not committed any manifest error) will add perfection to your majesty's comfort, and the great contentment of your people. God ever preserve and prosper your majesty. I rest, in all humbleness,

Your majesty's most bounden and most devoted subject and servant.

A LETTER TO SIR GEORGE VILLIERS, UPON THE SENDING OF HIS PATENT FOR THE CREATION OF VISCOUNT, SEALED AUGUST 20, 1616.

Sir,—I took much contentment in that I perceive by your letter that you took in so good part the freedom of my advice, and that yourself in your own nature consented therewith. Certainly, no service is comparable to good counsel; and the reason is, because no man can do so much for another as a man may do for himself; now good counsel helpeth a man to help himself, but you have so happy a master as supplieth all; my service and good will shall not be wanting.

It was graciously and kindly done also of his majesty towards me to tell you that you were beholding to me; but it must be then, for thinking of you as I do; for otherwise, for speaking as I think, it is but the part of an honest man. I send you your patent, whereof God give you joy: and I send you here enclosed a little note of remembrance for that part of the ceremony which concerneth the patent; for, as for other ceremonies, I leave to others.

My lord chancellor despatched your patent presently upon the receipt; and wrote to me how glad he was of it, and how well he wished you. If you write to him a few words of thanks, I think you shall do well. God keep you, and prosper you.

Your true and most devoted servant.

A LETTER TO SIR GEORGE VILLIERS, ACKNOWLEDGING THE KING'S FAVOUR IN GRANTING SOME SUIT OF HIS. AUGUST 22, 1616.

Sir,—I am more and more bound unto his majesty, who, I think, knowing me to have other ends than ambition, is contented to make me judge of mine own desires. I am now beating my brains, (amongst many cares of his majesty's business) touching the redeeming of time in this business of cloth. The great question is, how to miss, or how to mate the Flemings: how to pass by them, or how to pass over them.

In my next letter I shall alter your style; but I shall never, whilst I breathe, alter mine own style in being

Your true and most devoted servant.

THE LORD KEEPER'S LETTER TO THE UNIVERSITY, IN ANSWER OF THEIR CONGRATULATION AT HIS FIRST COMING TO THAT PLACE.

To the renowned University of Cambridge, his dear and reverend Mother.

My Lord,—I am debtor to you of your letters, and of the time likewise that I have taken to answer them; but as soon as I could choose what to think on, I thought good to let you know, that although you may err much in your valuation of me, yet you shall not be deceived in your assurance; and for the other part also, though the manner be to mend the picture by the life, yet I would be glad to mend the life by the picture, and to become, and be, as you express me to be. Your gratulations shall be no more welcome to me than your business or occasions, which I will attend; and yet not so but that I shall endeavour to prevent them by my care of your good. And so I commend you to God's goodness.

Your most loving and assured friend and son,

Fr. Bacon, C. S.

Gorhambury, April 12, 1617.

A LETTER OF KING JAMES, WRITTEN TO HIS LORDSHIP WHEN HE WAS LORD CHANCELLOR, WITH HIS MAJESTY'S OWN HAND, UPON THE SENDING TO HIM HIS BOOK OF INSTAURATIO MAGNA, THEN NEWLY PUBLISHED.

My Lord,—I have received your letter, and your book; than the which you could not have sent a more acceptable present unto me. How thankful I am for it cannot better be expressed by me than by a firm resolution I have taken; first, to read it through with care and attention, though I should steal some hours from my sleep, having otherwise as little spare time to read it as you had to write it. And then, to use the liberty of a true friend in not sparing to ask you the question in any point where I shall stand in doubt; "Nam ejus est explicare cujus est condere;" as, on the other part, I will willingly give a due commendation to such places as in my opinion shall deserve it. In the mean time, I can with comfort assure you, that you could not have made choice of a subject more befitting your place, and your universal methodic knowledge, and in the general, I have already observed, that you jump with me in taking the midway between the two extremes; as also in some particulars I have found that you agree fully with my opinion And so, praying God to give your work as good

success as your heart can wish, and your labours deserve, I bid you heartily farewell.

JAMES REX.

October 16, 1620.

TO MY LORD OF ESSEX.

MY SINGULAR GOOD LORD,

I may perceive, by my Lord Keeper, that your lordship, as the time served, signified unto him an intention to confer with his lordship at better opportunity; which in regard of your several and weighty occasions I have thought good to put your lordship in remembrance of; that now at his coming to the court it may be executed; desiring your good lordship, nevertheless, not to conceive out of this my diligence in soliciting this matter, that I am either much in appetite or much in hope. For, as for appetite, the waters of Parnassus are not like the waters of the Spa, that give a stomach, but rather they quench appetite and desires; and for hope, how can he hope much that can allege no other reason than the reason of an evil debtor, who will persuade his creditor to lend him new sums, and to enter further in with him to make him satisfy the old? And, to her majesty, no other reason but the reason of a waterman; I am her first man of those who serve in counsel of law. And so I commit your lordship to God's best preservation.

TO MY LORD OF ESSEX.

MY LORD,—Conceiving that your lordship came now up in the person of a good servant to see your sovereign mistress; which kind of compliments are many times "instar magnorum meritorum;" and therefore that it would be hard for me to find you, I have committed to this poor paper the humble salutations of him that is more yours than any man's, and more yours than any man. To these salutations I add a due and joyful gratulation, confessing that your lordship, in your last conference with me before your journey, spake not in vain, God making it good, that you trusted we should say, "quis putasset?" Which, as it is found true in a happy sense, so I wish you do not find another "quis putasset," in the manner of taking this so great a service; but I hope it is as he said, "nubecula est citò transibit;" and that your lordship's wisdom and obsequious circumspection and patience will turn all to the best. So, referring all to some time that I may attend you, I commit you to God's best preservation.

TO MY LORD OF ESSEX.

MY LORD,—I am glad your lordship hath plunged out of your own business; wherein I must commend your lordship as Xenophon commended the state of his country, which was this: that having chosen the worst form of government of all others, they governed the best in that kind. "Hoc pace et veniâ tuâ," according to my charter. Now, as your lordship is my witness that I would not trouble you whilst your own cause was in hand, (though that I know that the further from the term the better the time was to deal for me,) so, that being concluded, I presume I shall be one of your next cares. And having communicated with my brother of some course either to perfit the first, or to make me some other way; or rather, by seeming to make me some other way, to perfit the first, wherewith he agreed to acquaint your lordship; I am desirous, for mine own better satisfaction, to speak with your lordship myself, which I had rather were somewhere else than at court; and as soon as your lordship will assign me to wait on you. And so, in, etc.

TO SIR ROBERT CECIL.

SIR,—Your honour knoweth my manner is, though it be not the wisest way, yet taking it for the honestest, to do as Alexander did by his physician in drinking the medicine and delivering the advertisement of suspicion; so I trust on and yet do not smother what I hear. I do assure you, sir, that by a wise friend of mine, and not factious toward your honour, I was told with asseveration, that your honour was bought by Mr. Coventry, for 2000 angels; and that you wrought in a contrary spirit to my lord your father. And he said further, that from your servants, from your lady, from some counsellors that have observed you in my business, he knew you wrought underhand against me. The truth of which tale I do not believe; you know the event will show, and God will right. But as I reject this report, (though the strangeness of my case might make me credulous,) so I admit a conceit that the last messenger my lord and yourself used, dealt ill with your honours; and that word (speculation) which was in the queen's mouth rebounded from him as a commendation, for I am not ignorant of those little arts. Therefore, I pray, trust not him again in my matter. This was much to write, but I think my fortune will set me at liberty, who am weary of asserviling myself to every man's charity. Thus I, etc.

TO SIR JOHN STANHOPE.

SIR,—Your good promises sleep, which it may seem now no time to awake, but that I do not find that any general calendar of observation of time serveth for the court; and, besides, if that be

my kinsman; wherein if he be happy he cannot be happy alone, it consisting of two parts. And I render you no less kind thanks for your aid and favour towards him, than if it had been for myself; assuring you that this bond of alliance shall, on my part, tie me to give all the tribute to your good fortune upon all occasions, that my poor strength can yield. I send you so required an abstract of the lands of inheritance, and one lease of great value, which my kinsman bringeth, with a note of the tenures, values, contents, and state, truly and perfectly drawn; whereby you may perceive the land is good land, and well countenanced by scope of acres, woods, and royalties, though the total of the rents be set down as it now goeth without improvement: in which respect it may somewhat differ from your first note. Out of this, what he will assure in jointure, I leave it to his own kindness; for I love not to measure affection. To conclude, I doubt not your daughter might have married to a better living, but never to a better life; having chosen a gentleman bred to all honesty, virtue, and worth, with an estate convenient. And if my brother or myself were either thrivers, or fortunate in the queen's service, I would hope there should be left as great a house of the Cokes in this gentleman as in your good friend, Mr. Attorney General. But sure I am, if Scriptures fail not, it will have as much of God's blessing and sufficiency as ever the best feast, &c.

TO SIR ROBERT CECIL, AT HIS BEING IN FRANCE.

It may please your honourable Lordship,

I know you will pardon this my observance, in writing to you empty of matter, but out of the fulness of my love. I am sorry that, as your time of absence is prolonged above that was esteemed at your lordship's setting forth; so, now, upon this last advertisement received from you, there groweth an opinion amongst better than the vulgar, that the difficulties also of your negotiation are increased. But, because I know the gravity of your nature to be not to hope lightly, it maketh me to despair the less. For you are "natus ad ardua;" and the indisposition of the subject may honour the skill of the workman. Sure I am, judgment and diligence shall not want in your lordship's self: but this was not my purpose; being only to signify unto your lordship my continual and incessant love towards you, thirsting after your return for many respects. So I commend you ever to the good preservation of the divine majesty. Gray's Inn.

At your honour's commandment, ever,
and particularly.

TO SIR ROBERT CECIL.

My singular good Lord,

The argument of my letters to your lordship rather increaseth than spendeth; it being only the desire I have to salute you: which, by your absence is more augmented than abated. For me to write your lordship occurrences either of Scottish brags or Irish plants, or Spanish ruffling, or Low Country states, were (besides that it is "alienum quiddam" from mine own humour) to forget to whom I write; save that you, that know true advertisements, sometimes desire and delight to hear common reports; as we that know but common reports desire to hear the truth. But to leave such as write to your fortunes, I write to yourself in regard of my love to you, you being as near to me in heart's blood as in blood of descent. This day I had the contentment to see your father upon occasion; and methought his lordship's countenance was not decayed, nor his cough vehement; but his voice was as faint all the while as at first. Thus, wishing your lordship a happy and speedy return, I commend you to the Divine Majesty.

TO THE QUEEN.

It may please your sacred Majesty,

I would not fail to give your majesty my most humble and due thanks for your royal choice of such commissioners in the great Star Chamber cause; being persons besides their honour of such science and integrity. By whose report I doubt not but your majesty will find that which you have been heretofore informed, (both by my lord keeper, and by some much meaner person,) touching the nature of that cause, to be true. This preparatory hearing doth already assail me with new and enlarged offers of composition; which, if I had borne a mind to have hearkened unto, this matter had been quenched long ago, without any benefit to your majesty. But your majesty's benefit is to me in greater regard than mine own particular: trusting to your majesty's gracious disposition and royal word, that your majesty will include me in any extraordinary course of your sovereign pleasure, which your majesty shall like to take in this cause. The other man I spoke to your majesty of, may, within these two terms, be in the same straits between your majesty's justice and mercy, that this man now is, if your majesty be so pleased. So, most humbly craving pardon for my presuming to seek access for these few lines, I recommend your majesty to the most precious custody, and best preservation of the Divine Majesty.

Your majesty's most humble and entirely
obedient servant and subject.

TO THE QUEEN.*

It may please your Majesty,

It were great simplicity in me to look for better than that your majesty should cast away my letter as you have done me; were it not that it is possible your majesty will think to find somewhat in it, whereupon your displeasure may take hold; and so indignation may obtain that of you which favour could not. Neither might I in reason presume to offer unto your majesty dead lines, myself being excluded as I am; were it not upon this only argument or subject; namely, to clear myself in point of duty. Duty, though my state lie buried in the sands, and my favours be cast upon the waters, and my honours be committed to the wind; yet standeth surely built upon the rock, and hath been, and ever shall be unforced and unattempted. And, therefore, since the world out of error, and your majesty I fear out of art is pleased to put upon me; that I have so much as any election or will in this my absence from attendance; I cannot but leave this protestation with your majesty; That I am and have been merely a patient, and take myself only to obey and execute your majesty's will. And, indeed, madam, I had never thought it possible that your majesty could have so disinterested yourself of me; nor that you had been so perfect in the art of forgetting; nor that after a quintessence of wormwood, your majesty would have taken so large a draught of poppy; as to have passed so many summers without all feeling of my sufferings. But the only comfort I have is this, that I know your majesty taketh delight and contentment in executing this disgrace upon me. And, since your majesty can find no other use of me, I am glad yet I can serve for that. Thus making my most humble petition to your majesty, that in justice (howsoever you may by strangeness untie, or by violence cut asunder all other knots) your majesty would not touch me in that which is indissoluble; that is, point of duty: and that your majesty will pardon this my unwarranted presumption of writing, being to such an end: I cease in all humbleness;

Your majesty's poor, and never
so unworthy servant,
Essex.

TO MY LORD OF ESSEX.

It may please your Lordship,

That your lordship is in "statu quo prius," no man taketh greater gladness than I do; the rather, because I assure myself that of your eclipses, as this hath been the longest, it shall be the least; as the comical poet saith, "neque illam tu satis noveras, neque te illa, hoc ubi fit, ibi non vivitur." For, if I may be so bold as to say what I think, I believe your lordship looked to have found her majesty in all points as you have done; neither her majesty, percase, looked to have found your lordship as she hath done. And, therefore, I hope upon this experience may grow more perfect knowledge, and upon knowledge more true consent; which I, for my part, do infinitely wish, as accounting these accidents to be like the fish, remora, which, though it be not great, yet hath it a hidden property to hinder the sailing of the ship. And, therefore, as bearing unto your lordship, after her majesty, of all public persons the second duty, I could not but signify unto you my affectionate gratulation. And so I commend your good lordship to the best preservation of the Divine Majesty.

From Gray's Inn.

TO SIR ROBERT CECIL.

It may please your good Honour,

I am apt enough to condemn "mendacia famæ," yet it is with this distinction, as fame walks among inferiors, and not as it hath entrance into some ears. And, yet, nevertheless, in that kind also, I intend to avoid a suspicious silence, but not to make any base apology. It is blown about the town that I should give opinion touching my Lord of Essex's cause; first, that it was a premunire; and now last, that it reached to high treason. And this opinion should be given in opposition to the opinion of the lord chief justice, and of Mr. Attorney-General. Sir, I thank God, whatsoever opinion my head serveth me to deliver to her majesty, being asked, my heart serveth me to maintain; the same honest duty directing me and assisting me. But the utter untruth of this report God and the queen can witness; and the improbability of it every man that hath wit, more or less, can conceive. The root of this I discern to be not so much a light and humorous envy at my accesses to her majesty, (which of her majesty's grace being begun in my first years, I would be sorry she should estrange in my last years, for so I account them, reckoning by health, not by age;) as a deep malice to your honourable self; upon whom, by me, through nearness, they think to make some aspersion. But, as I know no remedy against libels and lies, so I hope it shall make no manner of disseverance of your honourable good conceits and affection towards me; which is the thing I confess to fear. For, as for any violence to be offered to me, wherewith my friends tell me, to no small terror, that I am threatened, I thank God I have the privy coat of a good conscience; and have a good while since put off any fearful care of life, or the accidents of life. So, desiring to be preserved in your good opinion, I remain.

* Written by Mr. Bacon for my Lord of Essex.

TO THE QUEEN.

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

I presume, according to the ceremony and good manner of the time, and my accustomed duty, in all humbleness to present your majesty with a simple gift; almost as far from answering my mind as sorting with your greatness; and therewith wish that we may continue to reckon on, and ever your majesty's happy years of reign: and they that reckon upon any other hopes, I would they might reckon short, and to their cost. And so, craving pardon most humbly, I commend your majesty to the preservation of the Divine goodness.

TO THE QUEEN.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I most humbly entreat your majesty not to impute my absence to any weakness of mind or unworthiness. But I assure your majesty I do find envy beating so strongly upon me, standing as I do, (if this be to stand,) as it were not strength of mind, but stupidity, if I should not decline the occasions, except I could do your majesty more service than I can any ways discern that I am able to do. My course towards your majesty (God is my witness) hath been pure and unleavened; and never poor gentleman (as I am persuaded) had a deeper and truer desire and care of your glory, your safety, your repose of mind, your service; wherein if I have exceeded my outward vocation, I most humbly crave your majesty's pardon for my presumption. On the other side, if I have come short of my inward vocation, I most humbly crave God's pardon for quenching the spirit. But in this mind I find such solitude, and want of comfort, which I judge to be because I take duty too exactly, and not according to the dregs of this age, wherein the old anthem might never be more truly sung; "Totus mundus in maligno positus est." My life hath been threatened, and my name libelled, which I count an honour; but these are the practices of those whose despairs are dangerous, but yet not so dangerous as their hopes; or else the devices of some that would put out all your majesty's lights, and fall on reckoning how many years you have reigned, which I beseech our blessed Saviour may be doubled: and that I may never live to see any eclipse of your glory, interruption of safety, or indisposition of your person, which I commend to the Divine Majesty, who keep you and fortify you.

TO MY LORD HEN. HOWARD.

MY LORD,—There be very few besides yourself to whom I would perform this respect; for I contemn "mendacia famæ," as it walks among inferiors; though I neglect it not, as it may have entrance into some ears. For your lordship's love, rooted upon good opinion, I esteem it highly, because I have tasted the fruits of it; and we both have tasted of the best waters, in my account, to knit minds together. There is shaped a tale in London's forge that beateth apace at this time; that I should deliver opinion to the queen in my Lord of Essex's cause; first, that it was premunire, and now last, that it was high treason; and this opinion to be in opposition and encounter of the lord chief justice's opinion, and the attorney-general's. My lord, (I thank God,) my wit serveth me not to deliver any opinion to the queen which my stomach serveth me not to maintain: one and the same conscience of duty guiding me, and fortifying me. But the untruth of this fable God and my sovereign can witness, and there I leave it: knowing no more remedy against lies than others do against libels. The root, no question of it, is, partly, some light-headed envy at my accesses to her majesty, which being begun and continued since my childhood, as long as her majesty shall think me worthy of them, I scorn those that shall think the contrary. And another reason is, the aspersion of this tale, and the envy thereof, upon some greater man, in regard of my nearness. And, therefore, (my lord,) I pray you answer for me to any person that you think worthy your own reply, and my defence. For my Lord of Essex, I am not servile to him, having regard to my superior's duty. I have been much bound unto him; and, on the other side, I have spent more time and more thoughts about his well-doing than ever I did about mine own. I pray God you his friends amongst you be in the right. "Nulla remedia, tam faciunt dolorem, quam quæ sunt salutaria." For my part, I have deserved better than to have my name objected to envy, or my life to a ruffian's violence; but I have the privy coat of a good conscience. I am sure these courses and bruits hurt my lord more than all. So having written to your lordship, I desire exceedingly to be preferred in your good opinion and love, and so leave you to God's goodness.

THE EARL OF ESSEX'S LETTER TO THE COUNCIL, AT HIS EMBARKING FOR SPAIN. JUNE, 1596.

MY VERY GOOD LORDS,

Having taken order for all things that belong to our land forces, and staying only till the ships be ready to take in our soldiers, I am come aboard, as well to draw other men by my example to leave the shore, as to have time and leisure to ask account of myself what other duty I have to do, besides the governing of those troops, and the using of them to good purpose. In which meditation, as I first study to please my most gracious sovereign, as well as to serve her; so my next

care is, to leave your lordships well satisfied of my past carriage since I was nominated to this service; and apt to make favourable construction of what I shall do hereafter.

In my past carriage I will neither plead merit nor excuse imperfections: for whatsoever I shall be able to do, I know, is less than I owe; and besides my faults, my very faith and zeal (which are the best things in me) do make me commit errors. But I would fain approve the matter itself of undertaking this service to have been good, howsoever my former have been erroneous; or at least, my intent and ends unblameable, though my judgment were faulty. Your lordships know it hath been the wisdom of all times rather to attempt and do something in another country than to attend an enemy, and be in danger much in our own. And if this rule among the ancients was generally held true, it might be better allowed of us in particular cases, where a state little in territory, not extraordinary rich, and defended only with itself, shall have to do with another state that hath many and ample dominions, the treasure of the Indies, and all the mercenaries of Christendom to serve it. For we have, as the Athenians had with the ancient usurping Philip; "prælium facile, bellum difficile." Therefore, it is our disadvantage to draw the war into length. And if any man in this kingdom should be allowed to persuade to prevention, he might be one that saw the Spaniard at home apprehend an invasion with greater terror than he makes it abroad: and that was a witness how a handful of men, neither armed, victualled, nor ordered as they should be, landed, marched, and had done what they listed, if either the ships had come up, or they had any provisions to make a hole in a wall or to break open a gate. But though the counsel be good for some states, and for ours at some times, yet the opportunities ought to be watched, and it must appear that this it is which is now taken. The opportunity for such service I take to be when either the enemy may receive the most hurt, or when he is likeliest to attempt against us, if he be not impeached. The hurt that our estate should seek to do him is, to intercept his treasure, whereby we shall cut his sinews, and make war upon him with his own money; and to beat, or at least discontinue him from the sea, whereby her majesty shall be both secured from his invasions, and become mistress of the sea; which is the greatness that the queen of an island should most aspire unto. In matter of profit we may this journey most hurt him, and benefit ourselves; since he hath (as is agreed on by all men) more caracks to come home now than ever any year before. Besides many good advantages which shall be offered if we command the coast. And to give him a blow, and discountenance him by sea, now is the time, when he hath declared his ambition to command the seas; and yet, so divided his fleets: some appointed to be set out, and yet scant in readiness; others upon point of coming home, and not fit to defend themselves, if either they be met at sea, or found in harbour; and all so dispersed in several places, as if at any time we might do good that way, it is now. And whether he will make war upon us, if we let him alone: let his solicitations, offers, and gifts to the rebels of Ireland; his besieging and winning of Calais, and those parts of France that front upon us; and his strengthening himself by sea by so many means; let these things (I say) tell us. So, as if we will at any time allow the counsel of prevention to be reasonable, we must now confess it to be opportune. But whatsoever the counsel were, I am not to be charged with it. For as I was not the contriver, nor offerer of the project, so if I had refused to join with him (that did invite me to it,) I should have been thought both incompatible and backward in her majesty's service. I say not this, for that I think the action such as it were disadvantage to be thought the projector of it; but I say, and say truly, that my lord admiral devised it, presented it to her majesty, and had as well the approbation of her majesty and the assent of such of your lordships as were acquainted with it, as my promise to go with him. One thing (I confess) I above all men am to be charged withal: that is, that when her majesty's, the city of London's, and the states of the Low Countries' charge was past, the men levied and marching to the rendezvous; I could not see how with her majesty's honour and safety the journey might be broken. Wherein, although I should be carried with passion, yet I pray your lordships consider who almost that had been in my case named to such an action, voiced throughout Christendom, and engaged in it as much as I was worth; and being the instrument of drawing more voluntary men of their own charge than ever was seen these many years: who (I say) would not have been so affected? But far be it from me, in any action of this importance to weigh myself or my particular fortunes. I must beseech your lordships to remember that I was from time to time warranted by all your opinions, delivered both amongst yourselves and to her majesty: which tieth you all to allow the counsel. And that being granted, your lordships will call that zeal, which maketh a man constant in a good counsel, that would be passion in an evil, or a doubtful. I confess, her majesty offered us recompense for all our charges and losses. But (my lords) I pray your lordships consider how many things I should have sold at once for money? I will leave mine own reputation as too small a matter to be mentioned. But I should have sold the honour of her majesty, the safety of the state, the contentment of her confederates, the fortune and hope of many of my poor countrymen, and the possibility of giving a

blow to that enemy that ought ever to be hateful to all true English hearts. I should have sold all this for private profit; therefore, though I ask pardon of her majesty, and pray your lordships to mediate it for me, that I was carried by this zeal so fast that I forgot those reverend forms which I should have used, yet I had rather have my heart out of my body than this zeal out of my heart. And now, as I have laid before your lordships my past carriage, and entering into this action, so I beseech your lordships give me leave to prepare you to a favourable construction of that which I shall do hereafter; in which suit I am resolved neither to plead the hazarding of life, nor spending of my substance in a public service; to the end that I might find your lordships (who are public persons) more favourable judges: but will confess, that I receive so much favour and honour by this trust and employment, as, when I have done all I can, I shall still be behindhand. This suit only I make, that your lordships will neither have too great an expectation of our actions, nor too little, lest all we do seem either nothing, or to be done by chance. I know we must be tied to do more than shall be for her majesty's service, nor no less; in which straight way, though it be hard for so weak a man as myself to walk upright, yet the example of our raw soldiers may comfort an insufficient general; for they, till they grow perfect in all their orders and motions, are so afraid to be out, and with such a continual heedfulness, observe both themselves and those that are near them, that they do keep almost as good order at the first as ever after. I am sure I am as distrustful of myself as they, and because I have more sense of duty, I shall be more industrious. For sea-service, the judgment of my honourable companion shall be my compass; and for land, his assent, and the advice of those her majesty hath named as counsellors at war shall be my warranties. It will be honour to her majesty, and a great assurance to her state, if we either bring home wealth or give the King of Spain a blow by sea. But to have made a continual diversion, and to have left, as it were, a thorn sticking in his foot, had been a work worthy of such a queen, and of such a preparation. For then her majesty should have heard no more of his intentions for Ireland, and attempts upon the coast of France, or his drawing of ships or galleys, into these narrow seas, but should at once have delivered all Christendom from his fearful usurpation. Wherein, as she had been great in fame for such a general preservation, so she had been as great in power in making all the enemies of Spain in Christendom to depend upon her. She should be head of the party; she only might be said to make the wars with Spain, because she made them to purpose, and they all but as her assistants and dependants. And, lastly, as the end of the wars is peace, so she might have had peace when she would, and with what conditions she would, and have included or left out whom she would. For, she only, by this course, should force him to wish for peace, and she had the means in her hands to make the conditions: and as easy it had been to have done this as to have performed lesser services. The objections against this will be hazard and charge. Hazard, to hold any thing of his that is so mighty a king: and charge, to send such supplies from time to time as will be needful. For hazard, it is not the hazard of the state or the whole, as are the hazards of a defensive war, whensoever we are enforced to fight, but it is only a hazard of some few, and such commanders, as shall be set out for such a servic And those also that shall be so hazarded, shall be in less danger than if they were put into any frontier places of France, or of the Low Countries, for they should not be left in any part of the main or continent of Spain or Portugal, where the enemy might bring an army to attempt them; (though I doubt not but after he had once tried what it were to besiege two or three thousand English, in a place well fortified, and where they had a port open, he would grow quickly weary of those attempts;) but they should be so lodged as the seat and strength of the place should warrant their safety, so that to pull her majesty's men out of it should be a harder task than to conquer any country that stands on firm land by him: and to let English quietly possess it, should so much prejudice him, as he were not able to endure it. And, for charge, there need not so much be expended but that it might easily be borne. And the place being well chosen, and the war well conducted, in a short time there would not only arise enough to pay the charge, but the great profit to her majesty, and wealth to our country would grow from the place that should be held, for in a short time a great part of the golden Indian stream might be turned from Spain to England, and her majesty be made to give law to all the world by sea without her charge. Besides, this fearful enemy, which is now a terror to all Christendom, should be so weakened in strength, reputation, and purse, as her majesty should forever after have an easy enemy of him. It may be, your lordships will desire to know the place that should be attempted; the means, first to take it, then to hold it; the commodity or advantage that might grow to this estate by it, but that with your lordships' leave shall be reserved till my next. This is only to beseech you, for our dear sovereign's sake, for the glory and welfare of her, and her estate, that you will think upon this general proposition; and if your lordships find it reasonable, that you will move it to the queen; by whom if I be commanded to set down the hypothesis, or to descend unto particulars, I

will offer my project with this condition, that if I advise any thing that the council of war shall think dangerous, it may be rejected; or if myself be actor in any thing belonging to this project, wherein her majesty receives dishonour, that I may answer it with my life. And yet your lordships know I am matched with those in whom I have no particular interest; but I must attribute their assenting to me, to my good hap, to take the better part. In my lord with whom I joined, I find so much honour and service, as I doubt not but our unity in affection will make unity in council, action, and government. I have troubled your lordships with a tedious letter, begun in a day of leisure finished in the midst of our troublesome business. I pray your lordships pardon the errors in it, and keep so honourable opinion of me as I be not condemned by you upon any complaints, advertisements, or reports, till I have given answer to them. For as the nature of my place is subject to envy and detraction, so a little body full of sharp humours is hardest kept in temper; and all the discontented humours of an army do make their greatest quarrel to him that commands the army not so much for his faults as for because he bridles their's. And so commending your good lordships to God's divine protection, I rest

At your lordships' commandment,

ROBERT ESSEX.

TO MY LORD OF ESSEX, FROM MR. BACON.

MY SINGULAR GOOD LORD,

I will no longer dissever part of that, which I meant to have said to your lordship at Barnhelmes, from the exordium, which I then made. Whereunto I will only add this; that I humbly desire your lordship before you give access to my poor advice to look about, even jealously a little, if you will, and to consider: First, whether I have not reason to think that your fortune comprehendeth mine: Next, whether I shift my counsel and do not "constare mihi;" for I am persuaded there are some would give you the same counsel now, which I shall, but that they should derogate from that which they have said heretofore: Thirdly, whether you have taken hurt at any time by my careful and devoted counsel. For although I remember well your lordship once told me that you having submitted upon my well-meant motion at Nonsuch, (the place where you renewed a treaty with her majesty of obsequious kindness,) she had taken advantage of it; yet I suppose you do since believe, that it did much attemper a cold malignant humour then growing upon her majesty toward your lordship, and hath done you good in consequence. And for being against it, now lately, that you should not estrange yourself, although I give place to none in true gratulation, yet neither do I repent me of safe counsel; neither do I judge of the whole play by the first act. But whether I counsel you the best, or for the best, duty bindeth me to offer to you my wishes. I said to your lordship last time; "Martha, Martha. attendis ad plurima, unum sufficit." Win the queen; if this be not the beginning, of any other course I see no end. And I will not now speak of favour of affection, but of other correspondence and agreeableness, which, whensoever it shall be conjoined with the other of affection, I durst wager my life (let them make what prosopopæus they will of her majesty's nature) that in you she will come to the question of "quid fiet homini, quem rex vult honorare?" But how is it now? A man of a nature not to be ruled, that hath the advantage of my affection and knoweth it, of an estate not grounded to his greatness, of a popular reputation, of a military dependence: I demand whether there can be a more dangerous image than this represented to any monarch living, much more to a lady, and of her majesty's apprehension? And is it not more evident than demonstration itself, that whilst this impression continueth in her majesty's breast, you can find no other condition than inventions to keep your estate bare and low; crossing and disgracing your actions, extenuating and blasting of your merit, carping with contempt at your nature and fashions; breeding, nourishing, and fortifying such instruments as are most factious against you, repulses and scorns of your friends and dependants that are true and steadfast, winning and inveigling away from you such as are flexible and wavering, thrusting you into odious employments and offices to supplant your reputation, abusing you, and feeding you with dalliances and demonstrations, to divert you from descending into the serious consideration of your own case; yea, and percase venturing you in perilous and desperate enterprises. Herein it may please your lordship to understand me; for I mean nothing less than that these things should be plotted and intended as in her majesty's royal mind towards you; I know the excellency of her nature too well. But I say, wheresoever the formerly described impression is taken in any king's breast towards a subject, these other recited inconveniences must of necessity of politic consequences follow; in respect of such instruments as are never failing about princes, which spy into their humours and conceits, and second them; and not only second them, but in seconding increase them; yea, and many times without their knowledge pursue them further than themselves would. Your lordship will ask the question wherewith the Athenians were wont to interrupt their orators when they exaggerated their dangers; "quid igitur agendum est?"

I will tell your lordship, "quæ mihi nunc in mentum veniunt;" supposing, nevertheless, that yourself, out of your own wisdom upon the case

with this plainness and liberty represented to you, will find out better expedients and remedies. I wish a cure applied to every of the five former impressions, which I will take not in order, but as I think they are of weight.

For the removing the impression of your nature to be opiniatre and not ruleable; first, and above all things I wish that all matters past, which cannot be revoked, your lordship would turn altogether upon insatisfaction, and not upon your nature or proper disposition. This string you cannot upon every apt occasion harp upon too much. Next, whereas I have noted you to fly and avoid (in some respect justly) the resemblance or imitation of my Lord of Leicester and my Lord Chancellor Hatton; yet I am persuaded (howsoever I wish your lordship as distant as you are from them in points of favour, integrity, magnanimity and merit,) that it will do you much good between the queen and you to allege them (as oft as you find occasion) for authors and patterns. For I do not know a readier mean to make her majesty think you are in your right way. Thirdly, when at any time your lordship upon occasion happen in speeches to do her majesty right, (for there is no such matter as flattery amongst you all,) I fear you handle it, "magis in speciem adornatis verbis, quam ut sentire videaris." So that a man may read formality in your countenance; whereas your lordship should do it familiarly, "et oratione fida." Fourthly, your lordship should never be without some particulars afoot, which you should seem to pursue with earnestness and affection; and then let them fall upon taking knowledge of her majesty's opposition and dislike. Of which the weightiest sort may be if your lordship offer to labour in the behalf of some that you favour for some of the places now void; choosing such a subject as you think her majesty is like to oppose unto: and if you will say, that this is "Conjunctum cum alienâ injuriâ;" I will not answer, "hæc non aliter constabunt;" but I say, commendation from so good a mouth doth not hurt a man, though you prevail not. A less weighty sort of particulars may be the pretence of some journeys which at her majesty's request your lordship might relinquish; as if you would pretend a journey to see your living and estate towards Wales or the like; for as for great foreign journeys of employment and service, it standeth not with your gravity to play or stratagem with them. And the lightest sort of particulars, which yet are not to be neglected, are in your habits, apparel, wearings, gestures, and the like.

The impression of greatest prejudice next, is that of a military dependence. Wherein I cannot sufficiently wonder at your lordship's course, that you say, the wars are your occupation, and go in that course; whereas, if I might have advised your lordship, you should have left that person at Plymouth; more than when in counsel or in commending fit persons for service for wars it had been in season. And here, my lord, I pray mistake me not. I am not to play now the part of a gown-man, that would frame you best to mine own turn. I know what I owe you: I am infinitely glad of this last journey, now it is past: the rather, because you may make so honourable a full point for a time. You have property good enough in that greatness. There is none can of many years ascend near you in competition. Besides, the disposing of the places and affairs both concerning the wars (you increasing in other greatness) will of themselves flow to you; which will preserve that dependence in full measure. It is a thing that of all things I would have you retain, the times considered. And the necessity of the service, for other reason I know none. But, I say, keep it in substance, but abolish it in shows to the queen. For her majesty loveth peace. Next, she loveth not charge. Thirdly, that kind of dependence maketh a suspected greatness. Therefore, "Quod instat agamus." Let that be a sleeping honour a while, and cure the queen's mind on that point. Therefore, again, whereas I heard your lordship designing to yourself the earl marshal's place, or place of master of the ordnance, I did not in my mind so well like of either; because of their affinity with a martial greatness. But of the places now void, in my judgment and discretion, I would name you to the place of lord privy seal. For, first, it is the third person of the great officers of the crown. Next, it hath a kind of superintendence over the secretary. It hath also an affinity with the court of wards, in regard of the fees from the liveries. And it is a fine honour, quiet place, and worth a thousand pounds by year. And my lord admiral's father had it, who was a martial man. And it fits a favourite to carry her majesty's image in seal, who beareth it best expressed in heart. But my chief reason is, that which I first alleged, to divert her majesty from this impression of a martial greatness. In concurrence whereof, if your lordship shall not remit any thing of your former diligence at the Star Chamber; if you shall continue such intelligences as are worth the cherishing; if you shall pretend to be as bookish and contemplative as ever you were; all these courses have both their advantages and uses in themselves otherwise, and serve exceeding aptly to this purpose. Whereunto I add one expedient more stronger than all the rest; and for mine own confident opinion, void of any prejudice or danger of diminution of your greatness; and that is, the bringing in of some martial man to be of the council, dealing directly with her majesty in it, as for her service and your better assistance; choosing, nevertheless, some person that may be known not to come in against you by any former division. I judge the fittest to be my Lord Mountjoy, or my Lord Willoughby. And if

your lordship see deeplier into it than I do, that you would not have it done in effect, yet, in my opinion, you may serve your turn by the pretence of it, and stay it nevertheless.

The third impression is of a popular reputation; which, because it is a thing good in itself, being obtained as your lordship obtaineth it, that is, "bonis artibus," and besides well governed, is one of the flowers of your greatness both present and to come; it would be handled tenderly. The only way is, to quench it verbis and not rebus; and therefore to take all occasions to the queen, to speak against popularity and popular courses vehemently, and to tax it in all others: but, nevertheless, to go on in your honourable commonwealth courses as you do. And, therefore, I will not advise you to cure this by dealing in monopolies or any oppressions. Only if in parliament your lordship be forward for treasure in respect to the wars, it becometh your person well. And if her majesty object popularity to you at any time, I would say to her, a parliament will show that, and so feed her with expectation.

The fourth impression of the inequality between your estate of means and your greatness of respects, is not to be neglected; for, believe it, my lord, that till her majesty find you careful of your estate, she will not only think you more like to continue chargeable to her, but also have a conceit that you have higher imaginations. The remedies are, first, to profess it in all speeches to her; next, in such suits wherein both honour, gift, and profit may be taken to communicate freely with her majesty, by way of inducing her to grant that it will be this benefit to you. Lastly, to be plain with your lordship, for the gentlemen are such as I am beholding to, nothing can make the queen or the world think so much that you are come to a provident care of your estate as the altering of some of your officers; who though they be as true to you as one hand to the other, yet, "opinio veritate major." But if, in respect of the bonds, they may be entered into for your lordship, you cannot so well dismiss yourself of them, this cannot be done but with time.

For the fifth and last, which is of the advantage of a favourite, as severed from the rest it cannot hurt; so joined with them it maketh her majesty more fearful and shadowy, as not knowing her own strength. The only remedy to this is, to give way to some other favourite, as in particular you shall find her majesty inclined, so as the subject hath no ill, nor dangerous aspect towards yourself; for, otherwise, whosoever shall tell me that you may not have singular use of a favourite at your devotion, I will say he understandeth not the queen's affection, nor your lordship's condition. And so, I rest.

October 4, 1596.

TO SIR ROBERT CECIL.

Sir,—I forbear not to put in paper as much as I thought to have spoken to your honour to-day, if I could have stayed, knowing that if your honour should make other use of it than is due to good meaning, and then I am persuaded you will; yet to persons of judgment, and that know me otherwise, it will rather appear (as it is) a precise honesty, and this same, "suum cuique tribuere," than any hollowness to any. It is my luck still to be akin to such things as I neither like in nature, nor would willingly meet with in my course, but yet cannot avoid, without show of base timorousness, or else of unkind, or suspicious strangeness.

Some hiatus in the copy.

And I am of one spirit still. I ever liked the Galenists that deal with good compositions, and not the Paracelsians, that deal with these fine separations: and in music, I ever loved easy airs, that go full all the parts together; and not those strange points of accord and discord. This I write not, I assure your honour officiously, except it be according to Tully's offices, that is, honestly and morally. For though, I thank God, I account upon the proceeding in the queen's service, or not proceeding both ways, and therefore neither mean to fawn or retire, yet I naturally desire good opinion with any person which for fortune or spirit is to be regarded, much more with a secretary of the queen's, and a cousin-german, and one with whom I have ever thought myself to have some sympathy of nature, though accidents have not suffered it to appear. Thus not doubting of your honourable interpretation and usage of that I have written, I commend you to the Divine preservation. From Gray's Inn.

TO MY LORD OF ESSEX.

It may please your good Lordship,

I pray God her majesty's weighing be not like the weight of a balance, "gravia deorsum, levia sursum." But I am as far from being altered in devotion towards her as I am from distrust that she will be altered in opinion towards me when she knoweth me better. For myself, I have lost some opinion, some time, and some means; this is my account: but then for opinion it is a blast that goeth and cometh; for time, it is true, it goeth and cometh not; but yet I have learned that it may be redeemed.

For means, I value that most; and the rather, because I am purposed not to follow the practice of the law: if her majesty command me in any particular, I shall be ready to do her willing service; and my reason is only because it drinketh too much time, which I have dedicated to better purposes. But, even for that point of estate and

means, I partly lean to Thales' opinion, "that a philosopher may be rich if he will." Thus your lordship seeth how I comfort myself; to the increase whereof I would fain please myself to believe that to be true which my lord treasurer writeth, which is, that it is more than a philosopher morally can digest; but without any such high conceit, I esteem it like the pulling out of an aching tooth, which I remember when I was a child, and had little philosophy, I was glad of when it was done. For your lordship, I do think myself more beholding to you than to any man; and I say, I reckon myself as a common, (not popular but common,) and as much as is lawful to be enclosed as a common, so much your lordship shall be sure to have.

Your lordship's to obey your honourable commands more settled than ever.

TO MY LORD OF ESSEX.

MY SINGULAR GOOD LORD,

Your lordship's so honourable minding my poor fortune the last year in the very entrance into that great action, (which is a time of less leisure,) and in so liberal an allowance of your care as to write three letters to stir me up friends in your absence; doth, after a sort, warrant me not to object to myself your present quantity of affairs, whereby to silence myself from petition of the like favour. I brake with your lordship myself at the Tower, and I take it my brother hath since renewed the same motion touching a fortune I was in thought to attempt "in genere economico." "In genere politico," certain cross winds have blown contrary. My suit to your lordship is for your several letters to be left with me dormant, to the gentlewoman, and either of the parents; wherein I do not doubt but as the beams of your favour have often dissolved the coldness of my fortune, so in this argument your lordship will do the like with your pen. My desire is also, that your lordship would vouchsafe unto me, as out of your care, a general letter to my lord keeper for his lordship's holding me, from you recommended, both in the course of my practice, and in the course of my employment in her majesty's service. Wherein, if your lordship shall in any antithesis or relation, affirm that his lordship shall have no less hope of me than of any other whom he may cherish, I hope your lordship shall engage yourself for no impossibility. Lastly and chiefly, I know not whether I shall attain to see your lordship before your noble journey; for ceremonies are things infinitely inferior to my love and to my zeal; this let me, with your allowance, say unto you by pen. It is true that, in my well meaning advices, out of my love to your lordship, and perhaps out of the state of mine own mind, I have sometimes persuaded a course differing: "ac tibi pro tutis insignia facta placebunt:" be it so, yet remember, that the signing of your name is nothing unless it be to some good patent or charter, whereby your country may be endowed with good and benefit; which I speak both to move you to preserve your person, for further merit and service of her majesty and your country, and likewise to refer this action to the same end. And so, in most true and fervent prayers, I commend your lordship, and your work in hand, to the preservation and conduct of the Divine Majesty; so much the more watchful, as these actions do more manifestly in show, though alike in truth, depend upon his Divine providence.

TO MY LORD OF CANTERBURY.

IT MAY PLEASE YOUR GRACE,

I have considered the objections, perused the statutes, and framed the alterations, which I send, still keeping myself within the brevity of a letter and form of a narration, not entering into a form of argument or disputation; for, in my poor conceit, it is somewhat against the majesty of princes' actions to make too curious and striving apologies; but rather to set them forth plainly, and so as there may appear an harmony and constancy in them, so that one part upholdeth another. And so I wish your grace all prosperity. From my poor lodging, this, etc.

Your grace's most dutiful
pupil and servant.

TO MY LORD OF ESSEX.

MY SINGULAR GOOD LORD,

The message it pleased your lordship to send me was to me delivered doubtfully; whether your lordship said you would speak with me at the Star Chamber or with Mr. Philip. If with me, it is needless, for gratitude imposeth upon me satisfaction; if with Mr. Philip, it will be too late, because somewhat must, perchance, be done that day. This doubt not solved, maketh me write again; the rather, because I did liberally, but yet privately affirm, your lordship would write; which, if I make not good, it may be a discouragement. Your lordship's letter, though it have the subject of honour and justice, yet it shall have the secrecy of a thing done upon affection. I shall ever, in a firm duty, submit my occasions, though great, to your lordship's respects, though small; and this is my resolution, that when your lordship doth for me, you shall increase my obligation; when you refuse to do for me, you shall increase my merit. So, leaving the matter wholly to your lordship's pleasure, I commend your lordship to the preservation of the Divine Majesty. From Gray's Inn.

Your lordship's ever most humbly bounden.

LETTERS FROM THE BACONIANA.

TRANSLATION OF THE ANSWER OF THE LORD BACON, THEN ATTORNEY-GENERAL, TO THE UNIVERSITY OF CAMBRIDGE, WHEN HE WAS SWORN OF THE PRIVY COUNCIL TO THE KING.

Your letters were very acceptable to me; and I give myself joy, upon your congratulation. The thing itself will (I suppose) conduce to my honour and satisfaction, if I remain in the mind I now am in; by unwearied study, and perpetual watchfulness, and pure affection, to promote the public good. Now, among the parts of the commonwealth, there are none dearer to me than the universities and learning. And this, my manner of life hitherto, and my writings do both declare. If, therefore, any good fortune befalls me, you may look upon it as an accession to yourselves. Neither are you to believe, that my patronage is either quite removed from you, or so much as diminished. For that part of an advocate which concerneth the giving of counsel in causes remaineth entire. Also, (if any thing more weighty and urgent falleth out,) the very office of pleading (the king's leave being obtained) is still allowed me. And whatsoever shall be found wanting in my juridical patronage will be compensated by my more ample authority. My wishes are, that as I am translated from the business of private men and particular clients, to the government of the commonwealth; so the latter part of my age (if my life be continued to me) may, from the public cares, be translated to leisure and study.

Also, this thought comes often into my mind, amidst so many businesses and of such moment, every year to lay aside some days to think on you: that so, having the greater insight into your matters, I may the better consult your advantage.

Your most faithful and kind friend,

Fr. Bacon.

July the 5th, 1616

THE LORD CHANCELLOR BACON'S LETTER TO THE QUEEN OF BOHEMIA,* IN ANSWER TO ONE FROM HER MAJESTY, AND UPON SENDING TO HER HIS BOOK ABOUT A WAR WITH SPAIN.

It may please your Majesty,

I have received your majesty's gracious letter from Mr. Secretary Morton, who is now a saint in heaven. It was at a time when the great desolation of the plague was in the city, and when myself was ill of a dangerous and tedious sickness. The first time that I found any degree of health, nothing came sooner to my mind than to acknowledge your majesty's great favour by my most humble thanks. And because I see your majesty taketh delight in my writings, and, to say truth, they are the best fruits I now yield, I presume to send your majesty a little discourse of mine, touching a war with Spain, which I writ about two years since, which the king, your brother, liked well. It is written without bitterness or invective, as kings' affairs ought to be carried: but, if I be not deceived, it hath edge enough. I have yet some spirits left, and remnant of experience, which I consecrate to the king's service and your majesty's; for whom I pour out my daily prayers to God, that he would give your majesty a fortune worthy your rare virtues; which some good spirit tells me will be in the end. I do in all reverence kiss your majesty's hands, ever resting

Your majesty's most humble
and devoted servant,
Francis St. Alban.

* A. D. 1625

TRANSLATION OF A LETTER OF THE LORD BACON'S TO THE UNIVERSITY OF CAMBRIDGE UPON HIS SENDING TO THEIR PUBLIC LIBRARY HIS BOOK OF THE ADVANCEMENT OF LEARNING.

Francis, Baron of Verulam, and Viscount of St. Albans, to the Indulgent Mother, the famous University of Cambridge, health.

I here repay you, according to my ability, the debts of a son. I exhort you, also, to do the same thing with myself: that is, to bend your whole might towards the advancement of the sciences, and to retain freedom of thought, together with humility of mind; and not to suffer the talent which the ancients have deposited with you, to lie dead in a napkin. Doubtless, the favour of the Divine light will be present and shine amongst you, if, philosophy being submitted to religion, you lawfully and dexterously use the keys of sense; and if, all study of opposition being laid aside, every one of you so dispute with another as if he were arguing with himself. Fare ye well.

TRANSLATION OF A LETTER OF THE LORD BACON'S TO THE UNIVERSITY OF CAMBRIDGE, UPON HIS SENDING TO THEIR PUBLIC LIBRARY HIS NOVUM ORGANUM.

SEEING I am your son, and your disciple, it will much please me to repose in your bosom the issue which I have lately brought forth into the world; for, otherwise, I should look upon it as an exposed child. Let it not trouble you that the way in which I go is new: such things will, of necessity, happen in the revolutions of several ages. However, the honour of the ancients is secured: that, I mean, which is due to their wit. For, faith is only due to the word of God, and to experience. Now, for bringing back the sciences to experience is not a thing to be done: but to raise them anew from experience, is indeed a very difficult and laborious, but not a hopeless undertaking. God prosper you and your studies.

Your most loving son,

FRANCIS VERULAM, Chancel.

TRANSLATION OF A LETTER OF THE LORD BACON'S, WRITTEN TO TRINITY COLLEGE, IN CAMBRIDGE, UPON HIS SENDING TO THEM HIS BOOK OF THE ADVANCEMENT OF LEARNING.

Francis, Baron of Verulam, Viscount of St. Albans, to the most famous College of the Holy and Undivided Trinity in Cambridge, health.

THE progress of things, together with themselves, are to be ascribed to their originals. Wherefore, seeing I have derived from your fountains my first beginnings in the sciences, I thought fit to repay to you the increases of them. I hope, also, it may so happen that these things of ours may the more prosperously thrive among you, being replanted in their native soil. Therefore, I likewise exhort you that ye yourselves, so far as is consistent with all due modesty and reverence to the ancients, be not wanting to the advancement of the sciences: but that, next to the study of those sacred volumes of God, the holy Scriptures, ye turn over that great volume of the works of God, his creatures, with the utmost diligence, and before all other books, which ought to be looked on only as commentaries on those texts. Farewell.

THE LORD CHANCELLOR BACON'S LETTER TO DR. WILLIAMS, THEN LORD BISHOP OF LINCOLN, CONCERNING HIS SPEECHES, &c.

MY VERY GOOD LORD,

I am much bound to your lordship for your honourable promise to Dr. Rawley. He chooseth rather to depend upon the same in general than to pitch upon any particular; which modesty of choice I commend.

I find that the ancients (as Cicero, Demosthenes, Plinius Secundus, and others) have preserved both their orations and their epistles. In imitation of whom, I have done the like to my own, which, nevertheless, I will not publish while I live; but I have been bold to bequeath them to your lordship, and Mr. Chancellor of the Duchy. My speeches, perhaps, you will think fit to publish. The letters, many of them, touch too much upon late matters of state to be published; yet, I was willing they should not be lost. I have, also, by my will, erected two lectures in perpetuity, in either university; one with an endowment of £200 per annum, apiece. They are to be for natural philosophy, and the sciences thereupon depending; which foundations I have required my executors to order by the advice and direction of your lordship, and my Lord Bishop of Coventry and Litchfield. These be my thoughts now. I rest

Your lordship's most

affectionate to do you service.

A LETTER WRITTEN IN LATIN BY THE LORD VERULAM, TO FATHER FULGENTIO, THE VENETIAN, CONCERNING HIS WRITINGS; AND NOW TRANSLATED INTO ENGLISH BY THE PUBLISHER.

MOST REVEREND FATHER,

I must confess myself to be a letter in your debt; but the excuse which I have, is too, too just. For I was kept from doing you right by a very sore disease, from which I am not yet perfectly delivered.

I am now desirous to communicate to your fatherhood the designs I have touching those writings which I form in my head, and begin; not with hope of bringing them to perfection, but out of desire to make experiment, and because I am a servant to posterity; for these things require some ages for the ripening of them.

I judged it most convenient to have them translated in the Latin tongue, and to divide them into certain tomes.

The first tome consisteth of the books of the Advancement of Learning, which, as you understand, are already finished and published; and contain the Partition of Sciences, which is the first part of my Instauration.

The Novum Organum should have immediately followed, but I interposed my moral and political writings, because they were more in readiness.

And for them, they are these following. The first is, The History of Henry the 7th, King of England. Then follows that book which you have called in your tongue, "Saggi Morali." But I give a graver name to that book; and it is to go under the title of Sermones Fideles, [faithful sayings,] or Interiora Rerum, [the inside of

things.] Those Essays will be increased in their number, and enlarged in the handling of them.

Also that tome will contain the book of the Wisdom of the Ancients. And this tome (as I said) doth, as it were interlope, and doth not stand in the order of the Instauration.

After these shall follow the Organum Novum, to which a second part is yet to be added which I have already comprised and measured in the idea of it. And thus the second part of my Instauration will be finished.

As for the third part of the Instauration, that is to say, the Natural History, it is plainly a work for a king or a pope, or for some college or order; and cannot be by personal industry performed as it ought.

Those portions of it, which have already seen the light, to wit, concerning winds, and touching life and death, they are not pure history, by reason of the axioms and larger observations which are interposed. But they are a kind of mixed writings, composed of natural history, and a rude and imperfect instrument, or help, of the understanding.

And this is the fourth part of the Instauration. Wherefore that fourth part shall follow, and shall contain many examples of that instrument, more exact, and much more fitted to rules of induction.

Fifthly, there shall follow a book to be entitled by us, Prodromus Philosophiæ Secundæ, [the forerunner of Secondary Philosophy.] This shall contain our inventions about new axioms to be raised from the experiments themselves, that they which were before as pillars lying uselessly along may be raised up. And this we resolve on for the fifth part of our Instauration.

Lastly, there is yet behind the Secondary Philosophy itself, which is the sixth part of the Instauration. Of the perfecting this I have cast away all hopes; but in future ages perhaps the design may bud again. Notwithstanding, in our Prodromie, [or prefatory works,] such I mean only, which touch almost the universals of nature, there will be laid no inconsiderable foundations of this matter.

Our meanness, you see, attempteth great things; placing our hopes only in this, that they seem to proceed from the providence and immense goodness of God.

And I am by two arguments thus persuaded.

First, I think thus, from that zeal and constancy of my mind, which has not waxed old in this design, nor after so many years grown cold and indifferent. I remember that about forty years ago I composed a juvenile work about these things, which with great confidence and a pompous title, I called Temporis Partum Maximum,* [or the most considerable birth of time.]

* Or, it may be Masculum, as I find it read elsewhere.

Secondly, I am thus persuaded because of its infinite usefulness; for which reason it may be ascribed to divine encouragement.

I pray your fatherhood to commend me to that most excellent man, Signor Molines, to whose most delightful and prudent letters I will return answer shortly, if God permit. Farewell, most reverend father.

Your most assured friend,
FRANCIS ST. ALBAN.

TRANSLATION OF A LETTER OF THE LORD BACON'S, IN FRENCH, TO THE MARQUESS FIAT, RELATING TO HIS ESSAYS

MY LORD AMBASSADOR, MY SON

Seeing that your excellency makes and treats of marriages, not only betwixt the princes of France and England, but also betwixt their languages, (for you have caused my book of the Advancement of Learning to be translated into French,) I was much inclined to make you a present of the last book which I published, and which I had in readiness for you.

I was sometimes in doubt whether I ought to have sent it to you, because it was written in the English tongue. But now, for that very reason I send it to you It is a recompilement of my Essays, Moral and Civil; but in such manner enlarged and enriched both in number and weight, that it is in effect a new work. I kiss your hands, and remain

Your most affectionate and
most humble servant, etc.

TRANSLATION OF A LETTER FROM THE UNIVERSITY OF OXFORD TO THE LORD BACON, UPON HIS SENDING TO THEM HIS BOOK DE AUGMENTIS SCIENTIARUM.

MOST NOBLE, AND (——) MOST LEARNED VISCOUNT,

Your honour could have given nothing more agreeable, and the University could have received nothing more acceptable than the sciences. And those sciences which she formerly sent forth poor, of low stature, unpolished, she hath received elegant, tall, and, by the supplies of your wit, by which alone they could have been advanced, most rich in dowry. She esteemeth it an extraordinary favour to have a return with usury, made of that by a stranger, if so near a relation may be called a stranger, which she bestows as a patrimony upon her children. And she readily acknowledgeth, that though the muses are born in Oxford they grow elsewhere. Grown they are, and under your pen, who, like some mighty Hercules, in learning have by your own hand further advanced those pillars in the learned world, which

by the rest of that world were supposed immovable.

We congratulate you, you most accomplished combatant, who, by your most diligent patronage of the virtues of others, have overcome other patrons; and, by your own writings, yourself. For, by the eminent height of your honour, you advanced only learned men, now at last, O ravishing prodigy! you have also advanced learning itself.

The ample munificence of this gift lays a burden upon your clients, in the receiving of which we have the honour; but, in the enjoying of it, the emolument will descend to late posterity. If, therefore, we are not able of ourselves to return sufficient and suitable thanks, our nephews of the next age ought to give their assistance, and pay the remainder, if not to yourself, to the honour of your name. Happy they, but we, how much more happy, &c., to whom you have pleased to do the honour of sending a letter, written by no other than by your own hand. To whom you have pleased to send the clearest instructions for reading [your works,] and for concord in our studies, in the front of your book; as if it were a small thing for your lordship to enrich the muses out of your own stock, unless you taught them also a method of getting wealth. Wherefore this most accurate pledge of your understanding has been, with the most solemn reverence, received in a very full congregation, both by the doctors and masters; and that which the common vote hath placed in our public library, every single person has gratefully deposited in his memory.

Your lordship's most devoted servant,
The University of Oxford.

From our Convocation House,
December 20, 1623.

The superscription was thus.

To the Right Honourable Francis, Baron of Verulam, and Viscount of St. Alban, our very good Lord.

A LETTER WRITTEN BY DR. ROGER MAYNWARING TO DR. RAWLEY, CONCERNING THE LORD BACON'S CONFESSION OF FAITH.

SIR,—I have, at your command, surveyed this deep and devout tract of your deceased lord, and send back a few notes upon it.

In the first page, line 7,* are these words:

"I believe that God is so holy, pure, and jealous, that it is impossible for him to be pleased in any creature, though the work of his own hands; so that neither angel, man, nor world, could stand, or can stand, one moment in his eyes, without beholding the same in the face of a Mediator; and, therefore, that before him, with whom all things are present, the Lamb of God was slain before all worlds; without which eternal counsel of his, it was impossible for him to have descended to any work of creation; but he should have enjoyed the blessed and individual society of Three Persons in Godhead, only, forever."

This point I have heard some divines question, whether God, without Christ, did pour his love upon the creature? and I had sometime a dispute with Dr. Sharp,* of your university, who held, that the emanation of the Father's love to the creature, was immediate. His reason, amongst others, was taken from that text, "So God loved the world, that he gave his only begotten Son." Something of that point I have written amongst my papers, which on the sudden I cannot light upon. But I remember that I held the point in the negative; and that St. Austin, in his comment on the fifth chapter to the Romans, gathered by Beda, is strong that way.

In page 2, line the 9th to the 13th,† are these words:

—— "God, by the reconcilement of the Mediator, turning his countenance towards his creatures, (though not in equal light and degree,) made way unto the dispensation of his most holy and secret will, whereby some of his creatures might stand and keep their state; others might, possibly, fall and be restored; and others might fall, and not be restored in their estate, but yet remain in being, though under wrath and corruption, all with respect to the Mediator; which is the great mystery, and perfect centre of all God's ways with his creatures, and unto which all his other works and wonders do but serve and refer."

Here absolute reprobation seems to be defended, in that the will of God is made the reason of the non-restitution of some; at leastwise his lordship seems to say, that 'twas God's will that some should fall; unless that may be meant of voluntas permissiva, [his will of permission.]

In page the second, at the end,‡ where he saith, "Amongst the generations of men, he elected a small flock," if that were added, "of fallen men," it would not be amiss; lest any should conceive that his lordship had meant, the decree had passed on massa incorrupta, [on mankind considered before the fall.]

In page the 4th, lines the 13th and 14th,§ are these words:

"Man made a total defection from God, presuming to imagine, that the commandments and prohibitions of God were not the rules of good and evil, but that good and evil had their own principles and beginnings."

* That is, in Resuscitatio, p. 117, l. 8, to "forever," in p. 118.

* The same, I think, who was committed to the Tower, having taught Erskine his Allusion to the Sicilian Vespers. See Reliqu. Wootton, p. 434.

† That is, in Resuscitatio, p. 118, l. 9, to "refer."

‡ That is, ibid, p. 118, l. 21, &c.

§ That is, ibid p. 119, l. 36, &c.

Consider whether this be a rule universal, that the commands and prohibitions of God are the rules of good and evil: for, as St. Austin saith, many things are prohibita quia mala, [for that reason forbidden because they are evil,] as those sins which the schools call specifical.

In page 7, lines the 23d and 24th,* are these words:

"The three heavenly unities exceed all natural unities; that is to say, the unity of the three Persons in Godhead; the unity of God and man in Christ, and the unity of Christ and the church, the Holy Ghost being the worker of both these latter unities; for, by the Holy Ghost was Christ incarnate, and quickened in flesh; and by the Holy Ghost is man regenerate, and quickened in spirit."

Here two of the unities are ascribed to the Holy Ghost. The first seems excluded; yet divines say, that "Spiritus Sanctus est amor, et vinculum Patris et Filii;" [the Holy Ghost is the love and the bond of the Father and the Son.]

In page 8, line the 13th,† are these words:

"Christ accomplished the whole work of the redemption and restitution of man, to a state superior to the angels."

This [superior] seems to hit upon that place, ἰσάγγελοι,‡ which argues but equality. Suarez (De Angelis, lib. 1, cap. 1) saith, that angels are superior to men, "Quod gradum intellectualem, et quoad immediatam habitationem ad Deum," [both in respect of the degree of their intellectual nature, and of the nearness of their habitation to God.] Yet, St. Austin affirmeth, "Naturam humanam in Christo perfectiorem esse angelicâ," [that the human nature in Christ is more perfect than the angelical.] Consider of this. And thus far, not as a critic or corrector, but as a learner; for,

> "Corrigere, res est tantò magis ardua, quantò
> Magnus, Aristarcho, major Homerus erat."

In haste,

Your Servant,

ROGER MAYNWARING.

TRANSLATION OF A LETTER WRITTEN BY DR. RAWLEY, TO MONSIEUR DEODATE, CONCERNING HIS PUBLISHING OF THE LORD BACON'S WORKS.

MOST NOBLE AND DEAR SIR,

I am now at last in the country, the spring and Lent coming on. I am sorry that I had not the opportunity of waiting on you before I left the town; but I am sure I shall never be wanting in serving you upon all occasions, and in performing towards you all offices, either of friendship or observance.

I will, to the utmost of my power, take care to publish the [remaining] labours of that illustrious hero, the Lord Verulam, esteeming it my greatest happiness to have formerly served him, and still to do so. And that I may avoid all suspicion of being worse than my word, I will perform my promise with all convenient speed. I desire that this friendship and mutual inwardness begun betwixt us may always continue, and, if you please, live and flourish by letters, the badges and nourishers of it, even when you are at Paris; a place which, if ever I be so happy, I will see for your sake, as well as for other reasons. Pray think not that I am free of my words and frugal of my deeds, but rather that my thick and very troublesome occasions, whilst I was in the city, would not suffer me to kiss your hands. It remains that I heartily honour you, and retaliate your love, and wish you all the good in the world, as being,

Sir,

Your most faithful servant,

and constant friend,

WILLIAM RAWLEY.

March the 9th, 1632.

TRANSLATION OF A LETTER WRITTEN BY MONSIEUR ÆLIUS DEODATE, TO DR. RAWLEY, IN ANSWER TO HIS OF MARCH THE 9th, 1632, TOUCHING HIS PUBLISHING THE LORD BACON'S WORKS.

To the reverend his most honoured friend, William Rawley, Doctor of Divinity, and Chaplain to the King's Majesty.

REVEREND AND MOST DEAR SIR,

A few days ago, I received your most acceptable and most desired letter, in which, to comfort me for the loss of your most agreeable company, (of which I was deprived by your sudden leaving the town,) you make me a new promise of a near and lasting friendship. Nothing could have happened to me more pleasing than this kindness, (which I shall diligently endeavour, to the utmost of my power, by all ways of love and observance, to deserve;) so much I value your own worth and the ever estimable memory of our most illustrious hero, a portion of whose spirit resides in your breast.

I so greedily expect the speedy edition of his works, which you have promised, that I have already almost devoured the whole of it in my hopes. Suffer not, I beseech you, any delay by any means to obstruct this my earnest desire: seeing, especially, it much concerns yourself, as you confess, upon many accounts, to promote it with all expedition.

* That is, in Resuscitatio, p. 120, l. 40, 41, &c.
† That is, ibid, p. 121, lines 8 & 9.
‡ Luke xx. 36.

My design of a translation of the Natural History has not succeeded so happily as I could wish, as you will perceive by the specimen which I send to you. Wherefore I desired him who had undertaken the work to desist from it, he having done only that little which you will see in a few leaves; whereas, he undertook the doing of the whole two years ago. I am not yet resolved about the time of my returning into France. I will let you know it ere I go, and tell you by whom our letters may be conveyed to one another. Farewell.

Reverend sir,

Your most humble servant,

ÆLIUS DEODATE, Advocate.

London, April 4, 1633.

TRANSLATION OF THE FIRST LETTER OF MR. ISAAC GRUTER, TO DR. RAWLEY, CONCERNING THE MSS. OF THE LORD BACON.

To the Reverend and most Learned William Rawley, Isaac Gruter wisheth much health.

REVEREND SIR,

By reason of the immature death of my brother, to whom we owe the Latin translation of the Lord Bacon's Natural History, I have been forced to stay a long while in our native country of Zealand, in order to the settling of the domestic affairs of the person deceased. Returning home to Holland, I found your letter, which, I assure you, was most acceptable to me; yet, at this I was concerned, that my necessary absence from the Hague had occasioned so late an answer to it. He deserves pardon who offends against his will: and who will endeavour to make amends for this involuntary delay, by the study of such kindness as shall be vigilant in offices of friendship, as often as occasion shall be offered.

The design of him who translated into French the Natural History of the Lord Bacon, of which I gave account in my former letters, is briefly exhibited in my brother's preface, which I desire you to peruse; as, also, in your next letter, to send me your judgment concerning such errors as may have been committed by him.

That edition of my brother's, of which you write that you read it with a great deal of pleasure, shall shortly be set forth with his amendments, together with some additions of the like argument to be substituted in the place of the New Atlantis, which shall be there omitted.' These additions will be the same with those in the version of the forementioned Frenchman, put into Latin; seeing we could not find the English originals from which he translates them, unless you, when you see the book, shall condemn those additions as adulterate.

For your observations on those places, either not rightly understood, or not accurately turned out of the English by you published, (which, from one not a native, in his first essay, and growing in knowledge together with his years, if they be many, no man needs wonder on it, who understands the physiological variety of an argument of such extent, and rendered difficult by such an heap of things of which it consists, and for the expressing of which there is not a supply of words from the ancients, but some of a new stamp, and such as may serve for present use, are required.) I entreat you not to deny me the sight of them, that so I may compare them with the corrections which my brother (now with God) did make with a very great deal of pains. But, whether the truth of them answers his diligence, will be best understood by yourself, and those few others by whom such elegancies can be rightly judged of.

I send you here a catalogue of these writings* which I had in MS. out of the study of Sir William Boswel, and which I now have by me, either written by the Lord Bacon himself, or by some English amanuensis, but by him revised; as the same Sir William Boswel (who was pleased to admit me to a most intimate familiarity with him) did himself tell me. Among my copies (as the catalogue which comes with this letter shows) you will find the History of Rare and Dense Bodies, but imperfect, though carried on to some length.

I had once in my hands an entire and thick volume concerning heavy and light bodies, but consisting only of a naked delineation of the model, which the Lord Bacon had framed in his head, in titles of matters, without any description of the matters themselves. There is here enclosed a copy of that contexture,† containing only the heads of the chapters, and wanting a full handling from that rude draught, which supplement I despair of.

For the book of dense and rare bodies which you have by you, perfected by the author's last hand, as likewise the Fragments, which are an appendix to it, I could wish that they might be here published in Holland, together with those hitherto unpublished philosophical papers copied by me, out of MSS. of Sir William Boswel; seeing, if they come out together, they will set off and commend one another.

I have begun to deal with a printer, who is a man of great diligence and curiosity. I will so order the matter, that you shall have no reason to complain of my fidelity and candour, if you leave that edition to me. Care shall be taken by me, that it be not done without honourable mention of yourself; but be it what it will, you shall resolve upon; it shall abate nothing of the offices of our

* These were the papers which I. Gruter afterwards published, under the title of Scripta Philosophica.

† This letter came to my hands without that copy. See, in lieu of it, Topica de Gravi et Levi, in lib. v. cap. 3, De Augm. Scien

friendship, which, from this beginning of it, shall still further be promoted upon all occasions.

Lewis Elzevir wrote me word lately, from Amsterdam, that he was designed to begin shortly an edition in quarto of all the works of the Lord Bacon, in Latin or English; but not of the English without the translation of them into Latin: and he desired my advice, and any assistance I could give him by manuscripts or translations, to the end that, as far as possible, those works might come abroad with advantage, which have been long received with the kindest eulogies, and with the most attested applause of the learned world. If you have any thing in your mind, or your hands, whence we may hope for assistance in so famous a design, and conducing so much to the honour of those who are instrumental in it, pray let me know it, and reckon me henceforth amongst the devout honourers of the name of the Lord Bacon, and of your own virtues.

Farewell.

I expect from you what you know about the ancestors of the Lord Bacon, especially concerning his father, Nicholas Bacon, concerning his youth, his studies in Cambridge, his travels, his honours, his office of chancellor, and his deposal from it by sentence of parliament. The former I will undertake in a more florid and free style, expatiating in his just praises; the latter, with a wary pen, lest out of my commentary of the life of this most learned man, matter be offered of pernicious prating, to slanderers and men of dishonest tempers.

From the Hague, May 29, 1652.

TRANSLATION OF THE SECOND LETTER OF MR. ISAAC GRUTER, TO DR. RAWLEY, CONCERNING THE WRITINGS OF THE LORD BACON

To the Reverend William Rawley, D. D., Isaac Gruter wisheth much health.

Reverend Sir,—It is not just to complain of the slowness of your answer, seeing that the difficulty of the passage, in the season in which you wrote, which was towards winter, might easily cause it to come no faster: seeing likewise there is so much to be found in it which may gratify desire, and perhaps so much the more the longer it was ere it came to my hands. And although I had little to send back, besides my thanks for the little index,* yet that seemed to me of such moment that I would no longer suppress them: especially because I accounted it a crime to have suffered Mr. Smith† to have been without an answer: Mr. Smith, my most kind friend, and to whose care, in my matters, I owe all regard and affection, yet without diminution of that part (and that no small one neither) in which Dr. Rawley hath place: so that the souls of us three so throughly agreeing, may be aptly said to have united in a *triga*.

Though I thought that I had already sufficiently showed what veneration I had for the illustrious Lord Verulam, yet I shall take such care for the future, that it may not possibly be denied, that I endeavoured most zealously to make this thing known to the learned world.

But neither shall this design, of setting forth in one volume all the Lord Bacon's works, proceed without consulting you, and without inviting you to cast in your symbol, worthy such an excellent edition: that so the appetite of the reader, provoked already by his published works, may be further gratified by the pure novelty of so considerable an appendage.

For the French interpreter, who patched together his things I know not whence,* and tacked that motley piece to him; they shall not have place in this great collection. But yet I hope to obtain your leave to publish apart, as an appendix to the Natural History, that exotic work, gathered together from this and the other place [of his lordship's writings] and by me translated into Latin. For seeing the genuine pieces of the Lord Bacon are already extant, and in many hands, it is necessary that the foreign reader be given to understand of what threads the texture of that book consists, and how much of truth there is in that which that shameless person does, in his preface to the reader, so stupidly write of you.

My brother, of blessed memory, turned his words into Latin, in the first edition of the Natural History, having some suspicion of the fidelity of an unknown author. I will, in the second edition, repeat them, and with just severity animadvert upon them: that they, into whose hands that work comes, may know it to be supposititious, or rather patched up of many distinct pieces; how much soever the author bears himself upon the specious title of Verulam.

Unless, perhaps, I should particularly suggest in your name, that these words were there inserted, by way of caution; and lest malignity and rashness should any way blemish the fame of so eminent a person.

Si me, fata, meis, paterentur ducere vitam auspiciis—(to use the words of Virgil.) If my fate would permit me to live according to my wishes, I would fly over into England, that I might behold whatsoever remaineth in your cabinet of the Verulamian workmanship, and at least make my eyes witnesses of it, if the possession of the merchandise be yet denied to the public.

* A note of some papers of the Lord Bacon's in D. R.'s hands.

† Of Christ's College, in Cambridge, and keeper of the public library there.

* Certain spurious papers added to his translation of the Advancement of Learning.

At present I will support the wishes of my impatient desire, with hope of seeing, one day, those [issues] which being committed to faithful privacy, wait the time till they may safely see the light, and not be stifled in their birth.

I wish, in the mean time, I could have a sight of the copy of the epistle to Sir Henry Savil, concerning the helps of the intellectual powers: for I am persuaded, as to the other Latin remains, that I shall not obtain, for present use, the removal of them from the place in which they now are. Farewell.

Maestricht, March 20,
New Style, 1655.

TRANSLATION OF THE THIRD LETTER WRITTEN BY MR. ISAAC GRUTER, TO DR. RAWLEY, CONCERNING THE WRITINGS OF THE LORD BACON.

To the reverend and most learned William Rawley, D. D., Isaac Gruter wisheth much health.

REVEREND SIR, AND MY MOST DEAR FRIEND,

How much I hold myself honoured by your present of the Lord Bacon's Posthumous Works, published lately by you in Latin, my thanks immediately returned had let you understand, if ill fortune in the passage (which is, for divers causes, uncertain) had not deluded the care of a friend, who did here with much readiness undertake the conveyance of them.

Now, the gift is by so much the greater, by how much the more benefit I reaped by diligent reading of those papers, and by comparing them with some of the Lord Bacon's works, which I myself had formerly published. For, to you we owe the more enlarged history *de denso et raro*, as also many other things contained in that volume, which saw not the light before. One paper I wonder I saw not amongst them, the epistle of the Lord Bacon to Sir Henry Savil, about the helps of the intellectual powers, spoken of long ago in your letters, under that or some such title, if my memory does not deceive me. If it was not forgotten, and remains among your private papers, I should be glad to see a copy of it, in the use of which my faithfulness shall not be wanting. But perhaps it is written in the English tongue, and is a part of that greater volume, which contains only his English works. If you will please to let me understand so much, and likewise give me assurance of obtaining that book, in which the speeches, and it may be the letters of the Lord Bacon, written by him in English, are digested, you will render your memory sacred in my mind, in the veneration of which, the cheerfulness of a most devoted affection shall never be weary. Farewell.

From Maestricht, from whence, after two or three months, I remove to Nimmeghen, nigher to Holland. But you may convey to me any thing you desire, by Mr. Smith.

July 1st, New Style, 1659.

LETTERS FROM STEPHENS,

NOT PRINTED IN THE PREVIOUS PART OF THIS VOLUME.

TO MR. MATHEWE.

SIR,—I was heartily glad to hear that you had passed so great a part of your journey in so good health. My aim was right in my address of letters to those persons in the court of Scotland, who were likeliest to be used for the affairs of England; but the pace they held was too swift, for the men were come away before my letters could reach them. With the first, I have renewed acquaintance, and it was like a bill of revivor, by way of cross-suits; for he was as ready to have begun with me. The second did this day arrive, and took acquaintance with me instantly in the Council Chamber, and was willing to entertain me with further demonstrations of confidence, than I was willing at that time to admit. But, I have had no serious speech with him, nor do I yet know whether any of the doubles of my letter have been delivered to the king. It may, perhaps, have proved your luck to be the first.

Things are here in good quiet. The king acts excellently well; for he puts in clauses of reservation to every proviso. He saith, he would be sorry to have just cause to remove any. He saith, he will displace none who hath served the queen and state sincerely, &c. The truth is, here be two extremes, some few would have no change, no, not reformation. Some many would have much change, even with perturbation. God, I hope, will direct this wise king to hold a mean between reputation enough, and no terrors. In my particular I have many comforts and assurances; but, in my own opinion the chief is, that

the canvassing world is gone, and the deserving world is come. And, withal, I find myself as one awaked out of sleep; which I have not been this long time, nor could, I think, have been now without such a great noise as this, which yet is in *aurâ leni.* I have written this to you in haste, my end being no more than to write, and thereby to make you know that I will ever continue the same, and still be sure to wish you as heartily well as to myself.

TO MR. MATHEW.

Sir,—Two letters of mine are now already walking towards you; but so that we might meet, it were no matter though our letters should lose their way. I make a shift in the mean time to be glad of your approaches, and would be more glad to be an agent for your presence, who have been a patient for your absence. If your body by indisposition make you acknowledge the healthful air of your native country, much more do I assure myself that you continue to have your mind no way estranged. And, as my trust with the state is above suspicion, so my knowledge, both of your loyalty and honest nature, will ever make me show myself your faithful friend, without scruple: you have reason to commend that gentleman to me by whom you sent your last, although his having travelled so long amongst the sadder nations of the world make him much the less easy upon small acquaintance to be understood. I have sent you some copies of my book of the Advancement, which you desired, and a little work of my recreation, which you desired not. My Instauration I reserve for our conference; it sleeps not. These works of the alphabet are in my opinion of less use to you where you are now, than at Paris; and therefore I conceived that you had sent me a kind of tacit countermand of your former request. But, in regard that some friends of yours have still insisted here, I send them to you; and, for my part, I value your own reading more than your publishing them to others. Thus, in extreme haste, I have scribbled to you I know not what, which, therefore, is the less affected, and for that very reason will not be esteemed the less by you.

TO MR. MATHEW.

Sir,—I thank you for your last, and pray you to believe, that your liberty in giving opinion of those writings which I sent you, is that which I sought, which I expected, and which I take in exceeding good part; so good, as that it makes me recontinue, or rather continue my hearty wishes of your company here, that so you might use the same liberty concerning my actions, which now you exercise concerning my writings. For that of Queen Elizabeth, your judgment of the temper, and truth of that part, which concerns some of her foreign proceedings, concurs fully with the judgment of others, to whom I have communicated part of it; and as things go, I suppose they are more likely to be more and more justified and allowed. And, whereas you say, for some other part, that it moves and opens a fair occasion and broad way into some field of contradiction; on the other side, it is written to me from the Leiger at Paris, and some others also, that it carries a manifest impression of truth with it, and it even convinces as it goes. These are their very words; which I write not for mine own glory, but to show what variety of opinion rises from the disposition of several readers. And, I must confess my desire to be, that my writings should not court the present time, or some few places in such sorts as might make them either less general to persons, or less permanent in future ages. As to the Instauration, your so full approbation thereof, I read with much comfort, by how much more my heart is upon it; and by how much less I expected consent and concurrence in matter so obscure. Of this I can assure you, that though many things of great hope decay with youth, (and multitude of civil businesses is wont to diminish the price, though not the delight, of contemplations,) yet the proceeding in that work doth gain with me upon my affection and desire, both by years and businesses. And, therefore, I hope, even by this, that it is well pleasing to God, from whom and to whom all good moves. To him I most heartily commend you.

TO SIR HENRY SAVILLE.

Sir,—Coming back from your invitation at Eton, where I had refreshed myself with company, which I loved; I fell into a consideration of that part of policy whereof philosophy speaketh too much, and laws too little; and that is, of education of youth. Whereupon fixing my mind awhile, I found straightways, and noted, even in the discourses of philosophers, which are so large in this argument, a strange silence concerning one principal part of that subject. For, as touching the framing and seasoning of youth to moral virtues, (as tolerance of labours, continency from pleasures, obedience, honour, and the like,) they handle it; but touching the improvement and helping of the intellectual powers, as of conceit, memory, and judgment, they say nothing; whether it were, that they thought it to be a matter wherein nature only prevailed, or that

they intended it, as referred, to the several and proper arts, which teach the use of reason and speech. But, for the former of these two reasons howsoever it pleaseth them to distinguish of habits and powers; the experience is manifest enough, that the motions and faculties of the wit and memory may be not only governed and guided, but also confirmed and enlarged, by customs and exercise daily applied: as, if a man exercise shooting, he shall not only shoot nearer the mark, but also draw a stronger bow. And, as for the latter, of comprehending these precepts within the arts, of logic and rhetoric; if it be rightly considered, their office is distinct altogether from this point; for it is no part of the doctrine, of the use or handling of an instrument, to teach how to whet or grind the instrument, to give it a sharp edge; or, how to quench it, or otherwise, whereby to give it a stronger temper. Wherefore, finding this part of knowledge not broken, I have, but "*tanquam aliud agens,*" entered into it, and salute you with it; dedicating it, after the ancient manner, first as to a dear friend, and then as to an apt person; forasmuch as you have both place to practise it, and judgment and leisure to look deeper into it than I have done. Herein you must call to mind, Ἄριστον μὲν ὕδωρ. Though the argument be not of great height and dignity, nevertheless, it is of great and universal use. And yet I do not see why, to consider it rightly, that should not be a learning of height which teacheth to raise the highest and worthiest part of the mind. But, howsoever that be, if the world take any light and use by this writing, I will, the gratulation be to the good friendship and acquaintance between us two. And so recommend you to God's divine protection.

TO SIR GEORGE VILLIERS.

SIR,—There is a particular wherein I think you may do yourself honour, which, as I am informed, hath been laboured by my Lady of Bedford, and put in good way by the Bishop of Bath and Wells, concerning the restoring to preach of a famous preacher, one Doctor Burgesse, who, though he hath been silenced a great time, yet he hath now made such a submission touching his conformity, as giveth satisfaction. It is much desired also by Gray's Inn, (if he shall be free from the state,) to choose him for their preacher: and certainly it is safer to place him there, than in another auditory, because he will be well watched, if he should any ways fly forth in his sermons beyond duty. This may seem a trifle; but I do assure you, in opening this man's mouth to preach, you shall open very many mouths to speak honour of you; and I confess I would have a full cry of Puritans, of Papists, of all the world to speak well of you; and besides, I am persuaded (which is above all earthly glory) you shall do God good service in it. I pray deal with his majesty in it. I rest

Your devoted and bounden servant,

FRA. BACON.

June 13, 1616.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

First, from the bottom of my heart I thank the God of all mercy and salvation, that he hath preserved you from receiving any hurt by your fall; and I pray his Divine Majesty ever to preserve you, on horseback and on foot, from hurt and fear of hurt.

Now, touching the clothing business; for that I perceive the cloth goeth not off as it should, and that Wiltshire is now come in with complaint, as well as Gloucestershire and Worcestershire, so that this gangrene creepeth on; I humbly pray your majesty to take into your majesty's princely consideration a remedy for the present stand, which certainly will do the deed; and for any thing that I know, will be honourable and convenient, though joined with some loss in your majesty's customs, which I know, in a business of this quality, and being but for an interim, till you may negotiate, your majesty doth not esteem. And it is this:

That your majesty by your proclamation do forbid (after fourteen days, giving that time for suiting men's selves) the wearing of any stuff made wholly of silk, without mixture of wool, for the space of six months. So your majesty shall supply outward vent with inward use, specially for the finer cloths, which are those wherein the stand principally is, and which silk wearers are likest to buy; and you shall show a most princely care over thousands of the poor people; and, besides, your majesty shall blow a horn, to let the Flemings know your majesty will not give over the chase. Again, the winter season coming on, is fittest for wearing of cloth, and there is scope enough left for bravery and vanity by lacing and embroidery, so it be upon cloth or stuffs of wool.

I thought it my duty to offer and submit this remedy, amongst others, to your majesty's great wisdom, because it pleased you to lay the care of this business upon me; and indeed my care did fly to it before, as it shall always do to any knots and difficulties in your business, wherein hitherto I have been not unfortunate. God ever have you in his most precious custody.

Your majesty's most faithful
and most bounden servant,

FRA. BACON

Sept. 13, 1616

TO THE LORD VISCOUNT VILLIERS.

My very good Lord,

It was my opinion from the beginning, that this company will never overcome the business of the cloth; and that the impediments are as much or more in the persons which are *instrumenta animata* than in the dead business itself.

I have therefore sent unto the king here enclosed my reasons, which I pray your lordship to show his majesty.

The new company and the old company are but the sons of Adam to me, and I take myself to have some credit with both, but it is upon fear rather with the old, and upon love rather with the new, and yet with both upon persuasion that I understand the business.

Nevertheless I walk in *via regia*, which is not absolutely acceptable to either. For the new company would have all their demands granted, and the old company would have the king's work given over and deserted.

My opinion is, that the old company be drawn to succeed into the contract, (else the king's honour suffereth;) and that we all draw in one way to effect that. If time, which is the wisest of things, prove the work impossible or inconvenient, which I do not yet believe, I know his majesty and the state will not suffer them to perish.

I wish what shall be done were done with resolution and speed, and that your lordship (because it is a gracious business) had thanks of it next the king; and that there were some commission under his majesty's sign manual, to deal with some selected persons of the old company, and to take their answers and consent under their hands, and that the procuring the commission, and the procuring of their offers to be accepted, were your lordship's work.

In this treaty my lord chancellor must by no means be left out, for he will moderate well, and aimeth at his majesty's ends.

Mr. Solicitor is not yet returned, but I look for him presently. I rest

Your lordship's true and
most devoted servant,
FR. BACON.

Monday, 14th of October, at 10 of the clock.

TO THE LORD VISCOUNT VILLIERS.

My very good Lord,

Now, that the king has received my opinion, with the judge's opinion unto whom it was referred, touching the proposition for inns in point of law; it resteth that it be moulded and carried in that sort, as it may pass with best contentment and conveniency. Wherein I, that ever love good company, as I was joined with others in the legal points, so I desire not to be alone in the direction touching the conveniency. And, therefore, I send your lordship a form of warrant for the king's signature, whereby the framing of the business, and that which belongeth to it, may be referred to myself, with Serjeant Montague and Serjeant Finch; and though Montague should change his place, that alteration hurteth not the business, but rather helpeth it. And because the inquiry and survey touching inns, will require much attendance and charge, and the making of the licenses, I shall think fit (when that question cometh to me) to be to the justice of assize, and not to those that follow this business: therefore, his majesty may be pleased to consider what proportion or dividend shall be allotted to Mr. Mompesson, and those that shall follow it at their own charge, which useth in like cases to be a fifth. So I ever rest

Your lordship's true and most devoted servant,
FR. BACON.

Nov. 13, 1616.

TO THE LORD VISCOUNT VILLIERS.

My very good Lord,

I think his majesty was not only well advised, but well inspired, to give order for this same wicked child of Cain, Bertram, to be examined before he was further proceeded with. And I, for my part, before I had received his majesty's pleasure by my lord chamberlain, went thus far; that I had appointed him to be further examined, and also had taken order with Mr. Solicitor that he should be provided to make some declaration at his trial, in some solemn fashion, and not to let such a strange murder pass as if it had been but a horsestealing.

But upon his majesty's pleasure signified, I forthwith caused the trial to be stayed, and examined the party according to his majesty's questions; and also sent for the principal counsel in the cause, whereupon Sir John Tyndal's report was grounded, to discern the justice or iniquity of the said report, as his majesty likewise commanded.

I send therefore, the case of Bertram, truly stated and collected, and the examination taken before myself and Mr. Solicitor; whereby it will appear to his majesty that Sir John Tyndal (as to this cause) is a kind of a martyr; for if ever he made a just report in his life, this was it.

But the event since all this is, that this Bertram being, as it seemeth, indurate or in despair, hath hanged himself in prison; of which accident, as I am sorry, because he is taken from example and public justice, so yet I would not for any thing it had been before his examination. So that there may be otherwise some occasion taken, either by some declaration in the King's Bench upon the return of the coroner's inquest, or by some printed book of the fact, or by some

other means (whereof I purpose to advise with my lord chancellor) to have both his majesty's royal care, and the truth of the fact, with the circumstances manifested and published.

For the taking a tie of my lord chief justice before he was placed, it was done before your letter came, and on Tuesday Heath and Shute shall be admitted and all perfected.

My lord chancellor purposeth to be at the hall to-morrow, to give my lord chief justice his oath; I pray God it hurt him not this cold weather. God ever prosper you.

Your true and most devoted servant,

FR. BACON.

Sunday night, the 17th of November, 1616.

TO THE LORD VISCOUNT VILLIERS.

MY VERY GOOD LORD,

I am glad to find your lordship mindful of your own business, and if any man put you in mind of it, I do not dislike that neither; but your lordship may assure yourself in whatsoever you commit to me, your lordship's further care shall be needless. For I desire to take nothing from my master and my friend, but care, and therein I am so covetous, as I will leave them as little as may be.

Now, therefore, things are grown to a conclusion, touching your land and office, I will give your lordship an account of that which is passed; and acquaint your judgment (which I know to be great and capable of any thing) with your own business; that you may discern the difference between doing things substantially, and between shuffling and talking: and first for your patent.

First, It was my counsel and care that your book should be fee-farm and not fee-simple; whereby the rent of the crown in succession is not diminished, and yet the quantity of the land which you have upon your value is enlarged; whereby you have both honour and profit.

Secondly, By the help of Sir Lyonel Cranfield I advanced the value of Sherbourn from 26,000*l.* (which was thought and admitted by my lord treasurer and Sir John Deccomb as a value of great favour to your lordship, because it was a thousand pounds more than it was valued at to Somerset) to thirty-two thousand pounds, whereby there was six thousand pounds gotten and yet justly.

Thirdly, I advised the course of rating Hartington at a hundred years' purchase, and the rest at thirty-five years' purchase fee-farm, to be set down and expressed in the warrant; that it may appear, and remain of record, that your lordship had no other rates made to you in favour than such as purchasers upon sale are seldom drawn unto; whereby you have honour.

Fourthly, That lease to the feoffees, which was kept as a secret in the deck, (and was not only of Hartington, but also of most of the other particulars in your book,) I caused to be thoroughly looked into and provided for; without which your assurance had been nothing worth; and yet I handled it so, and made the matter so well understood, as you were not put to be a suitor to the prince, for his good will in it, as others ignorantly thought you must have done.

Fifthly, The annexation,* (which nobody dreamt of, and which some idle, bold lawyer would perhaps have said had been needless, and yet is of that weight, that there was never yet any man that would purchase any such land from the king, except he had a declaration to discharge it;) I was provident to have it discharged by declaration.

Sixthly, Lest it should be said, that your lordship was the first, (except the queen and the prince) that brake the annexation, upon a mere gift; for that others had it discharged only upon sale, which was for the king's profit and necessity; I found a remedy for that also; because I have carved it in the declaration, as that this was not gift to your lordship, but rather a purchase and exchange (as indeed it was) for Sherbourn.

Seventhly and lastly, I have taken order (as much as in me was) that your lordship in these things which you have passed be not abused, if you part with them; for I have taken notes in a book of their values and former offers.

Now for your office.

First, Whereas my Lord Teynham at the first would have had your lordship have had but one life in it, and he another; my lord treasurer, and the solicitor and Deccombe were about to give way to it; I turned utterly that course, telling them that you were to have two lives in it, as well as Somerset had.

Secondly, I have accordingly, in the assurance from your deputies, made them acknowledge the trust and give security not only for your lordship's time, but after: so as you may dispose (if you should die, which I would be sorry to live to) the profits of the office by your will or otherwise to any of your friends, for their comfort and advancement.

Thirdly, I dealt so with Whitlocke as well as Heath as there was no difficulty made of the surrender.

Lastly, I did cast with myself, that if your lordship's deputies had come in by Sir Edward Coke, who was tied to Somerset, it would have been subject to some clamour from Somerset, and some question what was forfeited by Somerset's attainder (being but of felony) to the king: but now they coming in from a new chief justice, all is without question or scruple.

* The *annexation* by which lands, &c. were united or annexed to the Duchies of Cornwall and Lancaster

Thus your lordship may see my love and care towards you, which I think infinitely too little in respect of the fulness of my mind; but I thought good to write this, to make you understand better the state of your own business; doing by you as I do by the king; which is, to do his business safely and with foresight, not only of to-morrow or next day, but afar off, and not to come fiddling with a report to him, what is done every day, but to give him up a good sum in the end.

I purpose to send your lordship a calendar fair written of those evidences which concern your estate, for so much as I have passed my hands; which in truth are not fit to remain with solicitors, no, nor with friends, but in some great cabinet, to be made for that purpose.

All this while I must say plainly to your lordship, that you fall short for your present charge, except you play the good husband: for the office of Teynham is in reversion, Darcye's land is in reversion; all the land in your books is but in reversion, and yields you no present profit, because you pay the fee-farm. So as you are a strange heteroclite in grammar, for you want the present tense; many verbs want the preterperfect tense and some the future tense, but none want the present tense. I will hereafter write to your lordship what I think of for that supply; to the end, that you may, as you have begun to your great honour, despise money, where it crosseth reason of state or virtue. But I will trouble you no further at this time. God ever preserve and prosper your lordship.

Your true and most devoted servant.

FR. BACON.

November 29, 1616.

TO THE LORD VISCOUNT VILLIERS.

MY VERY GOOD LORD,

I delivered the proclamation for cloth to Secretary Winwood on Saturday, but he keepeth it to carry it down himself, and goeth down, as I take it, to-day: his majesty may perceive by the docket of the proclamation, that I do not only study, but act that point touching the judges, which his majesty commandeth in your last.

Yesterday was a day of great good for his majesty's service, and the peace of this kingdom concerning duels, by occasion of Darcye's case. I spake big, and publishing his majesty's straight charge to me, said it had struck me blind, as in point of duels and cartels, &c., I should not know a coronet from a hatband. I was bold also to declare how excellently his majesty had expressed to me a contemplation of his, touching duels; that is, that when he came forth and saw himself princely attended with goodly noblesse and gentlemen, he entered into the thought, that none of their lives were in certainty, not for twenty-four hours, from the duel; for it was but a heat or a mistaking, and then a lie, and then a challenge, and then life: saying that I did not marvel seeing Xerxes shed tears to think none of his great army should be alive once within a hundred years, his majesty were touched with compassion to think that not one of his attendants but might be dead within twenty-four hours by the duel. This I write because his majesty may be wary what he sayeth to me, (in things of this nature,) I being so apt to play the blab. In this also, I forgot not to prepare the judges, and wish them to profess, and as it were to denounce, that in all cases of duel capital before them, they will use equal severity towards the *insolent* murder by the duel, and the *insidious* murder; and that they will extirpate that difference out of the opinions of men, which they did excellent well.

I must also say that it was the first time that I heard my Lord of Arundel speak in that place; and I do assure your lordship [illegible] doth excellently become the court; he speak[illegible]ely and weightily, and yet easily and clearly, as a great nobleman should do.

There hath been a proceeding in the King's Bench, against Bertram's keeper, for misdemeanor, and I have put a little pamphlet (prettily penned by one Mr. Trotte, that I set on work touching the whole business) to the press by my lord chancellor's advice.

I pray God direct his majesty in the cloth business, that that thorn may be once out of our sides. His majesty knoweth my opinion *ab antiquo.* Thanks be to God of your health, and long may you live to do us all good. I rest

Your true and most devoted servant.

FR. BACON.

THIS LETTER WAS WRITTEN TO THE EARL OF BUCKINGHAM, ON THE SAME DAY SIR FRANCIS BACON WAS MADE LORD KEEPER OF THE GREAT SEAL.

MY DEAREST LORD,

It is both in cares and kindness, that small ones float up to the tongue, and great ones sink down into the heart in silence. Therefore, I could speak little to your lordship to day, neither had I fit time. But I must profess thus much, that in this day's work you are the truest and perfectest mirror and example of firm and generous friendship that ever was in court. And I shall count every day lost, wherein I shall not either study your welldoing in thought, or do your name honour in speech, or perform you service in deed. Good my lord, account and accept me

Your most bounden and devoted
friend and servant of all men living,

FR. BACON, C. S.

March 7, 1616.

TO THE EARL OF BUCKINGHAM.

MY EVER BEST LORD, NOW BETTER THAN YOURSELF,

Your lordship's pen or rather pencil hath portrayed towards me such magnanimity and nobleness and true kindness, as methinketh I see the image of some ancient virtue, and not any thing of these times. It is the line of my life, and not the lines of my letter, that must express my thankfulness: wherein, if I fail, then God fail me, and make me as miserable as I think myself at this time happy, by this reviver, through his majesty's singular clemency, and your incomparable love and favour. God preserve you, prosper you, and reward you, for your kindness to

Your raised and infinitely obliged friend and servant,

FR. BACON, C. S.

September 22, 1617.

TO THE EARL OF BUCKINGHAM.

MY SINGULAR GOOD LORD,

I am now for five or six days retired to my house in the country: for I think all my lords are willing to do as scholars do, who, though they call them holy-days, yet they mean them play-days.

We purpose to meet again on Easter Monday, and go all to the Spittall sermon for that day, and therein to revive the ancient religious manner, when all the counsel used to attend those sermons; which some neglected in Queen Elizabeth's time, and his majesty's great devotion in the due hearing of sermons himself with his counsel at the court, brought into desuetude. But now, our attendance upon his majesty by reason of his absence, cannot be, it is not amiss to revive it.

I perceive by a letter your lordship did write some days since to my Lord Blackley, that your lordship would have the king satisfied by precedents, that letters patents might be of the dignity of an earldom, without delivery of the patent by the king s own hand, or without the ordinary solemnities of a creation. I find precedents somewhat tending to the same purpose, yet not matching fully. But, howsoever, let me, according to my faithful and free manner of dealing with your lordship, say to you, that since the king means it, I would not have your lordship, for the satisfying a little trembling or panting of the heart in my Lord or Lady Blackley, to expose your lordship's self, or myself, (whose opinion would be thought to be relied upon,) or the king, our master, to envy with the nobility of this realm; as to have these ceremonies of honour dispensed with, which, in conferring honour, have used to be observed, like a kind of Doctor Bullatus, without the ceremony of a commencement: the king and you know I am not ceremonious in nature, and therefore you may think, (it it please you,) I do it in judgment. God ever preserve you.

Your lordship's most faithful and devoted friend and servant,

FR. BACON, C. S.

Gorhambury, April 13, 1617.

I purpose to send the precedents themselves by my Lord of Brackley, but I thought fit to give you some taste of my opinion before.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

Mr. Vicechamberlain, hath acquainted myself and the rest of the commissioners, for the marriage with Spain, which are here, with your majesty's instructions, signed by your royal hands, touching that point of the suppression of pirates, as it hath relation to his negotiation; whereupon, we met yesterday at my Lord Admiral's at Chelsea, because we were loath to draw my lord into the air, being but newly upon his recovery.

We conceive the parts of the business are four: the charge; the confederations, and who shall be solicited or retained to come in; the forces and the distributions of them; and the enterprise. We had only at this time conference amongst ourselves, and shall appoint, (after the holidays,) times for the calling before us such as are fit, and thereupon, perform all the parts of your royal commandments.

In this conference, I met with somewhat, which I must confess was altogether new to me, and opened but darkly neither; whereof I think Mr. Vicechamberlain will give your majesty some light, for so we wished. By occasion whereof I hold it my duty in respect of the great place wherein your majesty hath set me, (being only made worthy by your grace,) which maketh it decent for me to counsel you *ad summas rerum*, to intimate or represent to your majesty thus much.

I do foresee, in my simple judgment, much inconvenience to ensue, if your majesty proceed to this treaty with Spain, and that your counsel draw not all one way. I saw the bitter fruits of a divided counsel the last parliament; I saw no very pleasant fruits thereof in the matter of the cloth. This will be of equal, if not of more inconvenience; for, wheresoever the opinion of your people is material, (as in many cases it is not,) there, if your counsel be united, they shall be able, almost, to give law to opinion and rumour; but if they be divided, the infusion will not be according to the strength and virtue of the votes of your counsel, but according to the aptness and inclination of the popular. This

I leave to your majesty in your high wisdom to remedy. Only I could wish that when Sir John Digby's instructions are perfected, and that he is ready to go, your majesty would be pleased to write some formal letter to the body of your counsel, (if it shall be in your absence,) signifying to them your resolution in general, to the end that, when deliberation shall be turned into resolution, no man, howsoever he may retain the inwardness of his opinion, may be active *in contrarium*.

The letters of my lords of the council, with your majesty, touching the affairs of Ireland, written largely and articulately, and by your majesty's direction, will much facilitate our labours here, though there will not want matter of consultation thereupon. God ever preserve your majesty safe and happy.

Your majesty's most devoted
and obliged servant,
FR. BACON, C. S.

London, April 19, 1617.

TO THE EARL OF BUCKINGHAM.

MY SINGULAR GOOD LORD,

I send your lordship, according to the direction of your letter, a note of the precedents that I find in my Lord Brackley's business; which do rather come near the case than match it. Your lordship knoweth already my opinion, that I would rather have you constant in the matter, than instant for the time.

I send also enclosed an account of council business, by way of remembrance to his majesty, which it may please you to deliver to him.

The queen returneth her thanks to your lordship, for the despatch of the warrant, touching her house; I have not yet acquainted the lord treasurer and chancellor of the exchequer with it; but I purpose to-morrow to deliver them the warrant, and to advise with them for the executing the same.

I have received the king's letter with another from your lordship, touching the cause of the officers, and Sir Arthur Ingram, whereof I will be very careful to do them justice.

Yesterday I took my place in Chancery, which I hold only from the king's grace and favour, and your constant friendship. There was much ado, and a great deal of world. But this matter of pomp, which is heaven to some men, is hell to me, or purgatory at least. It is true, I was glad to see, that the king's choice was so generally approved; and that I had so much interest in men's good wills and good opinions, because it maketh me the fitter instrument to do my master service, and my friend also.

After I was set in Chancery, I published his majesty's charge, which he gave me when he gave me the seal; and what rules and resolutions I had taken for the fulfilling his commandments. I send your lordship a copy of that I said. My Lord Hay, coming to take his leave of me two days before, I told him what I was meditating, and he desired of me to send him some remembrance of it; and so I could not but send him another copy thereof. Men tell me, it hath done the king a great deal of honour; insomuch, that some of my friends that are wise men, and no vain ones, did not stick to say to me, that there was not these seven years such a preparation for a Parliament; which was a commendation I confess pleased me well. I pray take some fit time to show it to his majesty, because if I misunderstood him in any thing, I may amend it, because I know his judgment is higher and deeper than mine.

I take infinite contentment to hear his majesty is in great good health and vigour; I pray God preserve and continue it. Thus wishing you well above all men living, next my master and his, I rest

Your true and devoted friend and servant,
FR. BACON, C. S.

Dorset House, which putteth me in mind to thank your lordship, for your care of me touching York House, May 8, 1617.

TO THE EARL OF BUCKINGHAM.

MY VERY GOOD LORD,

I shall write to your lordship of a business, which your lordship may think to concern myself; but I do think it concerneth your lordship much more. For, as for me, as my judgment is not so weak to think it can do me any hurt, so my love to you is so strong, as I would prefer the good of you and yours before mine own particular.

It seemeth Secretary Winwood hath officiously busied himself to make a match between your brother and Sir Edward Coke's daughter: and as we hear he doth it rather to make a faction than out of any great affection to your lordship: it is true, he hath the consent of Sir Edward Coke (as we hear) upon reasonable conditions for your brother, and yet no better than without question may be found in some other matches. But the mother's consent is not had, nor the young gentleman's, who expecteth a great fortune from her mother, which without her consent is endangered. This match, out of my faith and freedom towards your lordship, I hold very inconvenient, both for your brother and yourself.

First, He shall marry into a disgraced house, which in reason of state is never held good.

Next, He shall marry into a troubled house of

man and wife, which in religion and Christian discretion is disliked.

Thirdly, Your lordship will go near to lose all such your friends as are adverse to Sir Edward Coke, (myself only except, who out of a pure love and thankfulness shall ever be firm to you.)

And, lastly, and chiefly, (believe it,) It will greatly weaken and distract the king's service; for though, in regard of the king's great wisdom and depth, I am persuaded those things will not follow which they imagine; yet, opinion will do a great deal of harm, and cast the king back, and make him relapse into those inconveniencies which are now well on to be recovered.

Therefore, my advice is, and your lordship shall do yourself a great deal of honour, if, according to religion and the law of God, your lordship will signify unto my lady your mother, that your desire is, that the marriage be not pressed or proceeded in without the consent of both parents, and so either break it altogether, or defer any further delay in it till your lordship's return: and this the rather, for that (besides the inconvenience of the matter itself) it hath been carried so harshly and inconsiderately by Secretary Winwood, as, for doubt that the father should take away the maiden by force, the mother to get the start hath conveyed her away secretly; which is ill of all sides. Thus, hoping your lordship will not only accept well, but believe my faithful advice, who by my great experience in the world must needs see further than your lordship can. I ever rest

Your lordship's true and most devoted
friend and servant,
FR. BACON, C. S.

I have not heard from your lordship since I sent the king my last account of council business, but I assure myself you received it, because I sent at the same time a packet to Secretary Laque, who hath signified to me that he hath received it.

I pray your lordship deliver to his majesty this little note of Chancery business.

July 12, 1617.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I think it agreeable to my duty, and the great obligation wherein I am tied to your majesty, to be freer than other men in giving your majesty faithful counsel, while things are in passing; and more bound than other men in doing your commandments, when your resolution is settled and made known to me.

I shall, therefore, most humbly crave pardon from your majesty, if in plainness and no less humbleness I deliver to your majesty my honest and disinterested opinion in the business of the match of Sir John Villiers, which I take to be *magnum in parvo:* preserving always the laws and duties of a firm friendship to my Lord of Buckingham, whom I will never cease to love, and to whom I have written already, but have not heard yet from his lordship.

But, first, I have three suits to make to your majesty, hoping well you will grant them all.

The first is, That if there be any merit in drawing on that match, your majesty would bestow the thanks not upon the zeal of Sir Edward Coke to please your majesty, nor upon the eloquent persuasions or pragmaticals of Mr. Secretary Winwood, but upon them that, carrying your commandments and directions with strength and justice, in the matter of the Governor of Diepe, in the matter of Sir Robert Rich, and in the matter of protecting the lady, according to your majesty's commandment, have so humbled Sir Edward Coke, as he seeketh now that with submission which (as your majesty knoweth) before he rejected with scorn: for this is the true orator that hath persuaded this business, as I doubt not but your majesty in your excellent wisdom doth easily discern.

My second suit is, That your majesty would not think me so pusillanimous, as that I, that when I was but Mr. Bacon, had ever (through your majesty's favour) good reason at Sir Edward Coke's hands, when he was at the greatest, should now that your majesty of your great goodness hath placed me so near your chair, (being as I hope by God's grace, and your instructions, made a servant according to your heart and hand,) fear him or take umbrage of him, in respect of mine own particular.

My third suit is, That if your majesty be resolved the match shall go on, after you have heard my reasons to the contrary, I may receive therein your particular will and commandments from yourself, that I may conform myself thereunto, imagining with myself (though I will not wager on women's minds) that I can prevail more with the mother than any other man. For, if I should be requested in it from my Lord of Buckingham, the answers of a true friend ought to be, That I had rather go against his mind than against his good: but your majesty I must obey; and, besides, I shall conceive that your majesty, out of your great wisdom and depth, doth see those things which I see not.

Now, therefore, not to hold your majesty with many words, (which do but drown matter,) let me most humbly desire your majesty to take into your royal consideration, that the state is at this time not only in good quiet and obedience, but in good affection and disposition. Your majesty's prerogative and authority having risen some just degrees above the horizon more than heretofore, which hath dispersed vapours: your judges are in good temper, your justices of peace (which is the

body of the gentleman of England) grow to be loving and obsequious, and to be weary of the humour of ruffling; all mutinous spirits grow to be a little poor and to draw in their horns, and not the less for your majesty's disauctorizing the man I speak of. Now, then, I reasonably doubt, that if there be but an opinion of his coming in with the strength of such an alliance, it will give a turn and relapse in men's minds into the former state of things hardly to be holpen, to the great weakening of your majesty's service.

Again, Your majesty may have perceived that, as far as it was fit for me in modesty to advise, I was ever for a Parliament, (which seemeth to me to be *cardo rerum*, or *summa summarum*, for the present occasions.) But this my advice was ever conditional, that your majesty should go to a Parliament with a council united and not distracted; and that your majesty will give me leave never to expect, if that man come in. Not for any difference of mine own, (for I am *omnibus omnia* for your majesty's service,) but because he is by nature unsociable, and by habit popular, and too old now to take a new ply. And men begin already to collect, yea, and to conclude, that he that raiseth such a smoke to get in, will set all on fire when he is in.

It may please your majesty, now I have said, I have done: and, as I think I have done a duty not unworthy the first year of your last high favour, I most humbly pray your majesty to pardon me, if in any thing I have erred; for, my errors shall always be supplied by obedience; and so I conclude with my prayers for the happy preservation of your majesty's person and estate.

Your majesty's most humble, bounden,
and most devoted servant,
Fr. Bacon, C. S.

From Gorhambury,
this 25th of July, 1617.

TO THE EARL OF BUCKINGHAM.

My very good Lord,

I do think long to hear from your lordship, touching my last letter, wherein I gave you my opinion touching your brother's match. As I then showed my dislike of the matter, so the carriage of it here in the manner I dislike as much. If your lordship think it is humour or interest in me that leads me, God judge my sincerity. But, I must say, that in your many noble favours towards me, they ever moved and flowed from yourself, and not from any of your friends whatsoever; and, therefore, in requital, give me leave that my counsels to you again be referred to your happiness, and not to the desire of any of your friends. I shall ever give you, as I give my master, safe counsel, and such as time will approve.

I received, yesterday, from Mr. Attorney, the queen's bill, which I send your lordship. The payment is not out of lands, but out of the customs, and so it can be but the rent. Your lordship remembereth, it is but in a case which, I hope, shall never be; that is, after his majesty's death, if she survive. God ever bless and direct you.

Your lordship's most faithful and
devoted friend and servant,
Fr. Bacon, C. S.

Gorhambury, this
25th of July, 1617.

TO THE EARL OF BRISTOL.

My very good Lord,

I now only send my best wishes, to follow you at sea and land, with due thanks for your late great favours. God knows whether the length of your voyage will not exceed the size of my hour-glass; but whilst I live, my affection to do you service shall remain quick under the ashes of my fortune.

TO ———.

Sir,—In this solitude of friends, which is the base court of adversity, where nobody, almost, will be seen stirring, I have often remembered this Spanish saying, *Amor sin fin, no tiene fin.* This bids me make choice of your friend and mine for his noble succours; not now towards the aspiring, but only the respiring of my fortunes. I, who am a man of books, have observed, that he hath both the magnanimity of the old Romans, and the cordiality of the old English, and, withal, I believe he hath the wit of both: sure I am, that, for myself, I have found him in both my fortunes, to esteem me so much above my just value, and to love me so much above the possibility of deserving, or obliging on my part, as if he were a friend created and reserved for such a time as this. You know what I have to say to the great lord, and I conceive it cannot pass so fitly to him, by the mouth of any, as of this gentleman; and therefore do your best (which, I know, will be of power enough) to engage him, both in the substance and to the secrecy of it; for I can think of no man but yourself to be used by me in this, who are so private, so faithful, and so discreet a friend to us both; as, on the other side, I dare swear he is, and know myself to be as true to you as your own heart.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

Yesterday, I know, was no day; now I hope I shall hear from your lordship, who are my anchor

in these floods. Meanwhile, to ease my heart, I have written to his majesty the enclosed,* which, I pray your lordship, to read advisedly, and to deliver it, or not to deliver it, as you think good. God ever prosper your lordship.

Yours ever, &c.

FR. ST. ALBAN, Canc.

March 25, 1620.

TO THE EARL OF BUCKINGHAM.

MY VERY GOOD LORD,

Since my last to your lordship, I did first send for Mr. Attorney-General, and made him know, that since I heard from court, I was resolved to further the match and the conditions thereof, for your lordship's brother's advancement the best I could. I did send, also, to my Lady Hatton, and some other special friends, to let them know, I would in any thing declare myself for the match; which I did, to the end that, if they had any apprehension of my assistance, they might be discouraged in it. I sent also to Sir John Butler, and after by letter to my lady, your mother, to tender my performance of any good office towards the match or the advancement from the mother. This was all I could think of for the present.

I did ever foresee, that this alliance would go near to leese me your lordship, that I hold so dear; and that was the only respect particular to myself that moved me to be as I was, till I heard from you. But I will rely upon your constancy and nature, and my own deserving, and the firm tie we have in respect of the king's service.

In the mean time I must a little complain to your lordship, that I do hear my lady your mother and your brother Sir John do speak of me with some bitterness and neglect. I must bear with the one as a lady, and the other as a lover, and with both for your lordship's sake, whom I will make judge of any thing they shall have against me. But I hope, though I be a true servant to your lordship, you will not have me to be a vassal to their passions, specially as long as they are governed by Sir Edward Coke and Secretary Winwood, the latter of which I take to be the worst; for Sir Edward Coke I think is more modest and discreet. Therefore your lordship shall do me right, and yet I shall take it for favour if you signify to them that you have received satisfaction from me, and would have them use me friendly, and in good manner. God keep us from these long journeys and absence, which make misunderstandings and give advantage to untruth, and God ever prosper and preserve your lordship.

Your lordship's true and

devoted friend and servant,

FR. BACON, C. S.

Gorhambury, this 23d of Aug. 1617.

* See p. 22.

TO THE EARL OF BUCKINGHAM.

MY VERY GOOD LORD,

I send your lordship the certificate* touching the enrolment of prentices. We can find no ground for it by law. Myself shall ever be ready to further things that your lordship commendeth; but where the matter will not bear it, your lordship I know will think not the worse, but the better of me, if I signify the true state of things to your lordship; resting ever

Your lordship's true friend

and devoted servant,

FR. BACON, C. S.

York House, this 29th of October, 1617.

TO THE EARL OF BUCKINGHAM.

MY VERY GOOD LORD,

The liking which his majesty hath of our proceeding, concerning his household, telleth me that his majesty cannot but dislike the declining and tergiversation of the inferior officers, which by this time he understandeth.

There be but four kinds of retrenchments: 1. The union of tables; 2. The putting down of tables; 3. The abatement of dishes to tables; 4, The cutting off new diets and allowance lately raised; and yet perhaps such as are more necessary than some of the old.

In my opinion the first is the best and most feasible. The lord chamberlain's table is the principal table of state. The lord steward's table is much frequented by Scottish gentlemen. Your lordship's table hath a great attendance; and the groom of the stole's table is much resorted to by the bedchamber. These would not be touched; but for the rest, (his majesty's case considered,) I think they may well be united into one.

These things are out of my element, but my care runneth where the king's state most laboureth: Sir Lyonel Cranfield is yet sick, for which I am very sorry; for methinks his majesty, upon these tossings over of his business from one to others

* *The Certificate* :—

According to his majesty's command, signified by your lordship's letters, we have advisedly considered of the petition touching the enrolment of apprentices' indentures, and heard the petitioners' counsel, and do find as followeth:

1. That the act of parliament 5° Eliz. doth not warrant the erecting of an office to enrol such indentures in cities, towns corporate, or market towns. But if any such enrolment should be, it must be by the officers there, who are assigned to perform sundry other things touching apprentices and servants.

2. That in country villages (for which the suit carries most colour) we cannot give the suitors hope, that any profit will be there made warrantable by law.

Thus we have (according to our duties) certified our opinions of this petition, submitting the same, nevertheless, to his majesty's great wisdom; and rest,

Oct. 25, 1617. At your lordship's command,

FR BACON, C. S.
H. MONTAGUE.
THO. COVENTRY.

hath an apt occasion to go on with subcommittees. God ever preserve and prosper you.

Your lordship's true friend
and devoted servant,
York House, Nov. 19, 1617. Fra. Bacon, C. S.

TO THE EARL OF BUCKINGHAM.

My very good Lord,

Yesterday at afternoon were read at the table his majesty's two letters, written with his own hand, the matter worthy the hand; for they were written *ex arte imperandi*, if I can judge; and I hope they and the like will disenchant us of the opinion, which yet sticks with us, that to-day will be as yesterday, and to-morrow as to-day, so as there will be (as he saith) *acribus initiis, fine incurioso.*

I hold my opinion given in my former letter, that the uniting of some tables is the most passable way; but that is not all, for when that is done, the king may save greatly in that which remaineth. For if it be set down what tables shall be fixed, and what diet allowed to them, my steward (as ill a mesnager as I am,) or my Lord Mayor's steward, can go near to tell what charge will go near to maintain the proportion; then add to that some large allowance for waste (because the king shall not leese his prerogative to be deceived more than other men,) and yet no question there will be a great retrenchment. But against this last abatement will be fronted the payment of arrears. But I confess, I would be glad that I might see, or rather, that a parliament may see, and chiefly that the king (for his own quiet) may see, that upon such a sum paid such an annual retrenchment will follow: for things will never be done in act, except they be first done in conceit.

I know these things do not pertain to me; for my part is to acquit the king's office towards God, by administration of justice, and to oblige the hearts of his people to him by the same, and to maintain his prerogative. But yet because it is *in hoc*, that the king's case laboureth, I cannot but yield my care and my strength too in counsel, such as it is, which cannot be so much as it was between our Lady-day, and Michaelmas last. But whatsoever it is, it is wholly his majesty's without any deflexion.

As soon as I find any possibility of health in Sir Lyonel Cranfield to execute a sub-commission, I will by conference with him frame a draught of a letter from his majesty, for which there is the fairest occasion in the world; and the king hath prepared it as well as possible. God ever preserve and prosper you.

Your lordship's true friend
and devoted servant,
York House, Nov 22, 1617. Fr. Bacon, C. S.

TO THE EARL OF BUCKINGHAM.

My very good Lord,

I send your lordship a draught of a letter touching the sub-commission,* written in wide lines, because it may be the better amended by his majesty. I think it is so penned as none can except to it, no, nor imagine any thing of it. For the household-business there was given a fortnight's day: for the pensions, the course which I first propounded of abating of a third throughout, and some wholly, seemeth well entered into. These be no ill beginnings. But this course of the sub-commission thrids all the king's business. God ever preserve and prosper you.

Your lordship's true friend and devoted servant,
Fr. Bacon, C. S.
York House, 27th Nov. 1617.

Sir Lyonel Cranfield is now reasonably well recovered.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

I thought fit by this, my private letter to your lordship, to give you an account of such business as your lordship hath recommended unto me, that you may perceive that I have taken that care of them I ought, and ever shall in those things you recommend or remit to me.

For the suit of the ale-houses which concerneth your brother, Mr. Christopher Villiers, and Mr. Patrick Mawle, I have conferred with my lord chief justice and Mr. Solicitor thereupon, and there is a scruple in it, that it should be one of

* *Draught of the Subcommission:*

My Lords,

In this first and greatest branch of our charge concerning our house we do find what difficulties are made, and what time is lost, in disputing and of devising upon the manner of doing it, whereof the matter must be, and is so fully resolved. Neither can we but see in this, as in a glass, the like event to follow in the rest upon like reason. For the inferior officers in every kind, who are best able for skill to propound the retrenchments, will, out of interest or fearfulness, make dainty to do service; and that which is done with an ill-will will never be well done. Again, to make it the act of the whole table, for the particular propositions and reckonings, will be too tedious for you, and will draw the business itself into length; and to make any particular committees of yourselves were to impose that upon a few which requireth to be carried indifferently as the act of you all. For since the great officers themselves think it too heavy for them, as our state now is, to deal in it, without bringing it to the table, with much more reason may any particular persons of you be loath to meddle in it, but at the board. In all which respects we have thought fit, (neither do we see any other way,) that you send unto us the names of the officers of our Exchequer and our Custom House, and auditors out of which we will make choice of some few, best qualified to be subcommittees, for the better ease and the speeding of the business by their continual travails and meetings: whose part and employment we incline to be to attend the principal officers in their several charges, and join themselves to some of the inferior officers, and so take upon them the mechanic and laborious part of every business, thereby to facilitate and prepare it for your consultations, according to the directions and instructions they shall receive from you from to time.

the grievances put down in parliament; which if it be, I may not in my duty and love to you advise you to deal in it; if it be not, I will mould it in the best manner and help it forward. The stay is upon the search of the clerk of the parliament, who is out of town; but we have already found, that the last grievance in 7mo. is not the same with this suit; but we doubt yet of another in 3o.

For the business of Mr. Leviston, for your lordship's sake (who I perceive keeps your noble course with me, in acquainting me with these things) I shall apply myself unto you, though in my nature I do desire that those that serve in the court where I sit, though they be not in places of my gift, and so concerns not me nor my place in profit; yet I wish, I say, I might leave them in as good case as I find them. And this suit concerneth the main profit of the six clerks, who though they be of the master of the rolls his gift, yet they serve in my court. But my greatest doubt is, that the grant cannot be good in law; and that it is not like those other precedents, whereof I have received a note. For the difference is, where things have been written by all the clerks indifferently and loosely, (in which case the king may draw them into an office,) and where they have appertained to one especial office; in which case the king can no more take away the profits of a man's office than he can the profits of his land. Therefore, I think your lordship may do well to write to Mr. Solicitor and Serjeant Finch, or some other lawyers that you trust, or such as Mr. Leviston trusteth, being persons of account, to inform you of the point in law before you proceed any further: for without that all is in vain.

For the business of Hawkyns, touching the register for the commission of bankrupts, I am not yet satisfied, likewise for the law, nor for the conveniency, but I rather incline to think it may pass; and I have set it in a course by which I may be thoroughly informed.

For Sir Rowland Egerton's cause, and his lady's, the parties have submitted themselves unto me, and are content to do it by bond, and therefore, I will undoubtedly make an end of it according to justice and conscience.

For Sir Gilbert Houghton's business I am in very good hope to effect your lordship's desire for his good.

For Moore's business, concerning the printing of books, after hearing all parties, I have sealed his patent; but for his former patent of salt I dare not do it without acquainting the council therewith, which I am ready to do, if he require that course to be taken.

If his majesty at any time ask, touching the Lord Clifton's business, I pray your lordship represent to his majesty thus much, that whatsoever hath passed I thank God I neither fear him nor hate him; but I am wonderful careful of the seat of justice, that they may still be well munited, being principal sinews of his majesty's authority. Therefore the course will be (as I am advised) that for this heinous misprison (that the party without all colour or shadow of cause should threaten the life of his judge, and of the highest judge of the kingdom next his majesty) he be first examined, and if he confess it, then an *ore tenus*; if he confess it not, then an information in the Star Chamber, and he to remain where he is till the hearing. But I do purposely forbear yet to have him examined till the decree or agreement between him and my Lord Aubigny (which is now ready) be perfected, lest it should seem an oppression by the terror of the one to beat him down in the other. Thus I ever rest

Your lordship's true friend and devoted servant,

FR. BACON, Canc.

York House, Jan. 25th, 1617.

I pray your lordship to pardon me, if, in respect of a little watering in one of mine eyes, I have written this letter, being long and private business, in my secretary's hand.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

Finding as well by your majesty's despatches and directions to your council, as now by speech with Mr. Secretary Laque, that your majesty is content to be troubled with business of sundry natures, I thought good, according to the duty of my place and the necessity of the occasion, to put your majesty in mind, that on this day sennight, being Friday in the morning, I am, according to custom, to give a charge and admonition to the judges and justices of peace now before the circuits, wherein I am humbly to crave your majesty's pleasure and directions.

I have for your majesty's better ease set down the heads, which by the prescript of your book, and out of the consideration of the present times, I have thought fittest to be remembered. I have also sent your majesty the last account of the judges' circuits, not to trouble you with the reading of them all; but to the end, that if upon my memorial, or otherwise out of your majesty's own memory which is above memorials, you should have occasion to resort to those accounts, the papers may be by you.

The point of greatest weight in my opinion is the carrying of a balanced hand at this time in the matter of recusants, in regard of the treaty with Spain. For it were good in respect of your people, that there were no note made, that the string is relaxed, and in respect of the treaty, that it is not strained: and therefore the proceeding in those causes be rather diligent than severe.

I am wonderful glad to hear that this extremity of weather, which I think the Muscovite hath brought with him, hath not touched your majesty,

whose health and ease is far dearer to me than my life, with all the appurtenances. God ever preserve and prosper you.

Your majesty's most faithful and
most obliged servant,
FR. BACON, Canc.

This Friday morning,
the 6th of February, 1617.

Your majesty will be pleased your answer be with me on Thursday at noon, or soon after it.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Mr. Chancellor of the Exchequer hath signified to me, this day, that yesterday his majesty called him to his coach and said to him, that one that had used ill speech of me should be called before me and make his submission to me, and, thereupon be called before the council and receive a sharp reprehension, and so be enlarged. And Mr. Chancellor could not tell me who the person was, but after, by some letter he received from my Lord Clifton, and speech with a man of his, he perceived it was he.

I pray your lordship, in humbleness, to let his majesty know that I little fear the Lord Clifton, but I much fear the example, that it will animate ruffians and *rodomonti*, extremely, against the seats of justice, (which are his majesty's own seats) yea, and against all authority and greatness, if this pass without public censure and example, it having gone already so far as that the person of a baron hath been committed to the Tower. The punishment it may please his majesty to remit, and I shall not formally but heartily intercede for him, but an example (setting myself aside) I wish for terror of persons that may be more dangerous than he, towards the least judge of the kingdom.

Therefore, it may please his majesty to speak of it with myself and my lords when he cometh next; and in the mean time I will command from his majesty, the master of the rolls and Mr. Attorney, who were appointed by the table to examine him, to stay. God ever prosper you.

Your lordship's true friend
and devoted servant,
FR. BACON, Canc.

March 17, 1617.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I pray your lordship to signify to his majesty that I thought it my duty to stay at the seal, a book of Sir Francis Steward's and Sir James Averlony, &c., of £200 land in charge in fee simple: my reasons.

First, It is a perpetuity, and so much rent in diminution of revenue certain.

Secondly, The warrant (as is acknowledged) came only from my Lord of Suffolk, and not from Mr. Chancellor, and yet my lord was wont to boast, that since he was treasurer, all commissions and contracts for sale of the king's land were broken off and ceased.

Thirdly, The rate of the moneys paid by the gentlemen, amounteth to but thirteen year's purchase, which is a plain gift of a good proportion of value.

If his majesty, now informed, iterate his mandate, it is done, and I excuse; but I could wish his majesty would refer it to the commissioners of the treasury how the gentlemen may be otherwise satisfied.

I received, yesternight, a brave account of the commission of the wards in Ireland, which, this one year, is advanced from two hundred pounds per annum to four thousand pounds, which is twenty fold multiplied. This I write for two reasons. First, because I glory in it, because it was my work wholly: next, because his majesty may take occasion by this to look better to the improvement of his wards in England in due time. God ever preserve and prosper you.

Your Lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

York House,
July 27, 1618.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I am very glad to hear of the honour his majesty intendeth to my noble lady, your lordship's mother. This, amongst many other things, showeth, in your lordship, good nature, which is the root of all virtues, next religion. Besides, it doth sort well in states, when place and power do meet, and stand not too far at distance.

For the passing of it by direction without bill signed, it cannot be in law. So is Mr. Attorney's opinion, and so is mine; and, therefore, there is presently a bill sent with an endorsement of passing it by immediate warrant, and this antedate.

For the antedate, I must present his majesty with my caution, and with my obedience.

For, the statute tieth me from antedates; and, indeed, the mischief is infinite: for, by that means the king may grant any land, &c., and take it away a month hence, and grant it another by an *antedate*. And, surely, were it land or the like, I would not say, *absit*, or your majesty cannot do it for the world; or your majesty is sworn, and I am sworn; or such brave phrases: but, surely, (I say) I would in humbleness represent it to his majesty.

But the case of honour differeth; for, therein his majesty's prerogative and declaration is absolute, and he may make him that is last to be first. And, therefore, upon his majesty's signification

of his pleasure upon the endorsement of the bill signed, I take it I may lawfully do it.

I am here rejoicing with my neighbours, the townsmen of St. Albans, for this happy day, the 5th of August, 1618.

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

Gorhambury.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I thank your lordship for your last loving letter. I now write to give the king an account of the patent I have stayed at the seal. It is of licence to give in *mortmain* eight hundred pounds land, though it be in tenure in chief to Allen, that was the player, for an hospital.

I like well that Allen playeth the last act of his life so well; but if his majesty give way thus to amortize his tenures, his courts of wards will decay, which I had well hoped should improve.

But that which moved me chiefly is, that his majesty now lately did absolutely deny Sir Henry Savile for two hundred pounds, and Sir Edwin Sandys for one hundred pounds, to the perpetuating of two lectures, the one in Oxford, the other in Cambridge, foundations of singular honour to his majesty, (the best learned of kings,) and of which there is great want; whereas, hospitals abound, and beggars abound never a whit the less.

If his majesty do like to pass the book at all; yet if he would be pleased to abridge the eight hundred pounds to five hundred pounds, and then give way to the other two books for the University, it were a princely work. And I would make an humble suit to the king, and desire your lordship to join in it, that it might be so. God ever preserve and prosper you.

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

York House, this
18th of August, 1618.

I have written to my Lord Chamberlain, being Chancellor of Oxford, to help in the business.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Looking for matter of service, I have found out a suit for myself, and it is proper for me more than all men, because it is within the accompt of the hanaper. But I have made a law to myself, that I will never beg any thing, which shall not bring a gain to the king; therefore, my suit is to farm the profits of the alienations, yielding a thousand pounds a year more to the king than hath been yielded *communibus annis*, by a medium of seven years. If the king be pleased to grant me this, it will a little warm the honour he hath given me; and I shall have a new occasion to be as I ever have been, and shall be

Your lordship's obliged friend
and faithful servant,
FR. VERULAM, Canc.

York House,
October 9th, 1618.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

This morning Mr. Attorney came to me and desired of me many writs of *ne exeat regnum* against most of the Dutch merchants, and withal let me understand that there was a discovery of an infinite transportation of gold and silver out of this realm, by the said Dutch merchants, amounting to millions; and that Sir John Britten had made a book thereof, and presented the same to his majesty; and further that his majesty had directed him to prosecute the same; and had also given to Sir Thomas Vavisor the forfeiture of such ten of them as he should choose.

Hereupon, I thought it my duty, as in a matter of great weight, to signify to his majesty, by your lordship, what I conceive.

The discovery I think very happy: for, if it be true, it will be a great benefit to his majesty; it will also content his people much, and it will demonstrate also that Scotland is not the leech (as some discoursers say,) but the Netherlanders that suck the realm of treasure; so that the thing is very good.

But, two things I must represent to his majesty: the first, that if I stay merchants from their trading by this writ, I must do it either *ex officio*, or by special warrant from his majesty.

If *ex officio*, then I must have more than a bare surmise to grant the writ upon, so as I must be acquainted with the grounds, or at least appearance of proofs. If by special warrant, then I desire to receive the same. The other is that I humbly beseech his majesty that these royal boughs of forfeiture may not be vintaged, or cropped by private suitors, (considering his majesty's state as it is,) but that Sir Thomas Vivasor or Sir John Brittain may have a bountiful and gracious reward of their discovery, but not the prime, or without stint.

In sum, I would wish his majesty to refer the whole business and carriage of the same for his honour and profit to the commissioners of treasure, or because it is a legal forfeiture to myself, Mr. Chancellor, Sir Edward Coke, and my Lord Chief Justice of England, and by us his majesty shall be assured to know the best cause for his justice, honour, and profit, and that he may dispose what

bounty he will. God ever preserve and prosper you.

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

York House,
October 19, 1618.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

This long book which I send for his majesty's signature, was upon a conference and consult yesternight, (at which time I was assisted by the two chief justices, and attended by the surveyor, attorney, and receiver of the court of wards, Fleetwood,) framed and allowed.

It is long, because we all thought fit not to piece new instructions with old instructions, bu to reduce both old and new into one body of instructions. I do not see that of the articles, which are many, any could have been spared. They are plain, but they have a good property, that they will take fast hold. I may not trouble his majesty with choosing some of them in particular, when all are good, only I think fit to let his majesty know of one, which is, that according to his own directions, the oath of making no private unlawful profit is now as well translated to the master and officers that may take, as to the parties and suitors that may give.

It little becometh me to possess his majesty that this will be to his majesty's benefit ten thousands yearly, or fifteen thousands, or twenty thousands; for those rattles are fitter for mountebanks of service than grave counsellors. But my advices (as far as I am able to discern) tend or extend but to thus much: this is his majesty's surest and easiest may for his most good.

Sir Miles Fleetwood, who both now and heretofore, hath done very good service in this, meriteth to be particularly from your lordship encouraged: which I beseech your lordship not to forget. God ever prosper you.

Your lordship's most faithful
bounden friend and servant,
FR. VERULAM, Canc.

This 4th of
December, 1618.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I send his majesty a volume of my Lord of Bangor's and my Lord Sheffield, whereof I spake when I left his majesty at Theobald's. His majesty may be pleased at his own good time and pleasure to cast his eye upon it. I purpose at my coming to London to confer with the chief justice as his majesty appointed; and to put the business of the pursuivants in a way, which I think will be best by a commission of Oyer and Terminer; for the Star Chamber (without confession) is long seas. I should advise that this point of the pursuivants were not single, but that it be coupled in the commission with the offences of keepers of prisons hereabouts, it hath a great affinity; for pursuivants are but ambulatory keepers, and it works upon the same party (of the Papists.) And it is that wherein many of his majesty's and the council's severe charges have been hitherto unfruitful: and it doth a great deal of mischief. I have some other reasons for it. But of this it will be fittest to advertise more particularly what I have resolved of on advice, upon conference with the chief justice. I am wonderful glad to hear of the king's good health. God preserve his majesty and your lordship. I ever rest

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

Gorhambury, this last
of July, 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I think it my duty to let his majesty know what I find in this cause of the *ore tenus*: for as his majesty hath good experience, that when his business comes upon the stage, I carry it with strength and resolution, so in the proceedings, I love to be wary and considerate.

I wrote to your lordship by my last, that I hoped by the care I had taken, the business would go well, but without that care, I was sure it would not go well: this I meant, because I had had conference with the two chief justices, Sir Edward Coke being present, and handled the matter so, that not without much ado, I left both the chief justices firm to the cause and satisfied.

But calling to mind that in the main business, notwithstanding I and the chief justices went one way, yet the day was not good, (and I should be loath to see more of such days,) I am not without some apprehension; for though we have Sir Edward Coke earnest and forward, insomuch as he advised the *ore tenus*, before I knew it at Wansted, and now bound the Dutchmen over to the Star Chamber, before I was made privy; unto both which proceedings, I did nevertheless give approbation: yet if there should be either the major part of the votes the other way, or any main distraction, though we bear it through, I should think it a matter full of inconvenience: but that which gives me most to think, is the carriage of Mr. Attorney, which sorteth neither with the business nor with himself; for as I hear from divers, and partly perceive, he is fallen from

earnest to be cool and faint; which weakness, if it should make the like alteration at the bar, it might overthrow the cause; all the remedy which is in my power, is by the advice of the judges to draw some other of the learned counsel to his help, which he, I know, is unwilling with, but that is all one.

This I thought it necessary to write, lest the king should think me asleep, and because I know that his majesty's judgment is far better than mine. But I, for my part, mean to go on roundly; and so I ever rest

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

October 9th, 1619.

If the king, in his great wisdom, should any ways incline to have the *ore tenus* put off, then the way were to command that the matter of the *ore tenus* should be given in evidence, by way of aggravation, in the main cause. And it is true, that if this precursory matter goeth well, it giveth great entrance into the main cause; if ill, contrariwise, it will do hurt and disadvantage to the main.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

These things which I write now and heretofore, in this cause, I do not write so as any can take knowledge that I write; but I despatch things *ex officio* here, and yet think it fit, inwardly, to advertise the king what doth occur. And I do assure your lordship, that if I did serve any king whom I did not think far away wiser than myself, I would not write in the midst of business, but go on of myself.

This morning, notwithstanding my speech yesterday with the duke, he delivered this letter enclosed, and I having cleared the room of all save the court and learned counsel, (whom I required to stay,) the letter was read a little before our hour of sitting. When it was read, Mr. Attorney began to move that my lord should not acknowledge his offences as he conceived he had committed them, but as they were charged; and some of the lords speaking to that point, I thought fit to interrupt, and divert that kind of question; and said, before we considered of the extent of my lord's submission, we were first to consider of the extent of our own duty and power; for that I conceived it was neither fit for us to stay proceeding, nor to move his majesty in that, which was before us in course of justice; unto which, (being once propounded by me,) all the lords and the rest, *unâ voce* assented. I would not so much as ask the question whether, though we proceed, I should send the letter to his majesty, because I would not straiten his majesty in any thing.

The evidence went well, (I will not say I sometimes helped it as far as was fit for a judge,) and at the arising of the court, I moved their lordships openly, whether they would not continue this cause from day to day till it were ended; which they thought not fit, in regard of the general justice, which would be delayed in all courts: yet afterwards within I prevailed so far, as we have appointed to sit Wednesday, Thursday, and Friday, and to sit by eight of the clock, and so to despatch it before the king come, if we can. God preserve and prosper you. I ever rest

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

This 22d of October,
Friday, at 4 of the
o'clock, 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I do not love to interlope by writing in the midst of business; but because his majesty commanded me to acquaint him with any occurrence which might cross the way, I have thought fit to let his majesty know what hath passed this day.

This day, (which was the day set down,) the great cause of the Dutchmen was entered into. The pleading being opened, and the case stated by the counsel, the counsel of the defendants made a motion to have certain examinations taken, concerning the old defendants suppressed, because they were taken since the last hearing.

I set the business in a good way, and showed they were but supplemental, and that at the last hearing, there were some things extrajudicial alleged, *ad infirmandum conscientiam judicis*, and therefore there was more reason these should be used, *ad informandum conscientiam judicis*, and that there was order for it. The order was read, and approved by both the court and the defendant's own counsel; but it was alleged, that the order was not entered time enough, whereby the defendants might likewise examine, wherein certainly there was some slip or forgetfulness in Mr. Attorney, or Britten, that followed it, which I wish had been otherwise, yet it went fair out of the court.

But after dinner my lords were troubled with it, and after much dispute, we have agreed to confer silently, and *sine strepitu* to-morrow, and set all straight, calling the judges and the learned counsel, with whom I have spoken this evening, I think to good purpose. For in good faith I am fain

to be *omnibus omnia*, as St. Paul saith, to set forward his majesty's service.

I discern a kind of inclination to take hold of all accidents to put off the cause, whereunto neither I shall give way, nor I hope his majesty; to-morrow, if cause be, I shall write more, but I hope all shall be well. I ever rest

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

Friday night, 19th November, 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I have conferred with Sir Lyonel Cranfield, according to his majesty's special commandment, touching two points of value, for the advancement (the one present, the other speedy) of his majesty's revenue.

The first is of the corans, to restore the imposition of five shillings and sixpence, laid in the late queen's time, and drawn down unduly, to serve private turns, to three shillings and four pence, which will amount to above three thousand pounds yearly increase.

The other is of the tobacco, for which there is offered two thousand pounds increase yearly, to begin at Michaelmas next, as it now is, and three thousand pounds increase if the plantations of tobacco here within land be restrained.

I approve, in mine own judgment, both propositions, with these cautions: That for the first, the farmers of the corans do, by instrument under their seal, relinquish to the king all their claim thereto, by any general words of their patent. And for the second, that the bargain be concluded and made before the proclamation go forth; wherein, perhaps, there will occur some doubt in law, because it restraineth the subject in the employment of his freehold at his liberty. But being so many ways *pro bono publico*, I think it good enough.

His majesty may, therefore, be pleased to write his letter to the commissioners of the treasury, signifying his majesty's pleasure directly in both points, to have them done, and leaving to us the consideration *de modo*. God ever prosper you. I rest your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

November 22, 1619.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

According to your commandment, we met together yesterday at Whitehall, and there consulted what course were fittest to be taken now in this business of your majesty's attorney-general, both for the satisfying your own honour, as also for calling in the late exorbitant charter of the city; which are the two ends, as we conceive, that your majesty proposed unto yourself.

To effect both which, we humbly presume to present thus much unto your majesty as our opinion. First, That an information be put into the Star Chamber, as we formerly advised, against your attorney as delinquent, against the mayor, &c., as interested, and against the recorder also mixedly with some touch of charge.

That the submission by letter offered by Mr. Attorney is no way satisfactory for your majesty's honour, but is to be of record by way of answer, and deduced to more particulars.

That any submission or surrender of the patents by the city should be also of record in their answer; and no other can be received with your majesty's honour, but by answer in court: the same to come merely of themselves, without any motion on your majesty's behalf, directly or indirectly; which being done in this form, it will be afterwards in your majesty's choice and pleasure to use mercy, and to suspend any farther proceedings against your attorney.

That it is of necessity, as well for the putting in of this information, as for your majesty's other urgent and public services in that and other courts, to have a sequestration presently of your attorney, and a provisional commission to some other, during your majesty's pleasure, to execute that charge: for both which instruments legal shall be provided as soon as your majesty's pleasure is known. To which we humbly and dutifully submit our advice and opinion, beseeching God to bless your majesty's sacred person with continuance and increase of much health and happiness. Wherewith, humbly kissing your royal hands, we rest

Your majesty's most humble and
faithful subjects and servants,
FR. VERULAM, Canc.
ROBERT NAUNTON,
JUL. CÆSAR,
T. ARUNDEL,
GEO. CALVERT,
EDW. COKE.

At your majesty's palace at
Whitehall, June 10, 1620.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I have lately certified his majesty on the behalf of Sir George Chaworth, by Secretary Calvert, touching the place of a remembrancer in the Chancery for setting down of causes. And because the gentleman telleth me the king thought my certificate a little doubtful, he desired me to

write to your lordship, touching my approbation more plainly. It is true that I conceive it to be a good business, and will be for the service of the court and ease of the subject; I will look it shall be accompanied with good cautions.

We ruffle over business here in council apace, and I think to reasonable good purpose. By my next I will write of some fit particulars. I ever rest

Your most obliged friend and faithful servant,
FR. VERULAM, Canc.

21 June, 1620.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Yesterday I called unto us the two chief justices and Serjeant Crew about the Parliament business. To call more judges I thought not good, it would be little to assistance, much to secrecy: the distribution of the business we made was into four parts.

First, The perusing of the former grievance, and of things of like nature which have come in since.

Secondly, The consideration of a proclamation with the clauses thereof, especially touching elections, which clauses, nevertheless, we are of opinion, should be rather monitory than exclusive.

Thirdly, The inclusive: that is to say, what persons were fit to be of the House, tending to make a sufficient and well composed House of the ablest men of the kingdom, fit to be advised with *circa ardua regni*, as the style of the writs goeth, according to the pure and true institution of a Parliament; and of the means to place such persons without novelty or much observation. For this purpose we made some lists of names of the prime counsellors, and principal statesmen or courtiers, of the gravest or wisest lawyers, of the most respected and best tempered knights and gentlemen of the county. And here *obiter* we did not forget to consider who were the *boutefeus* of the last session, how many of them are dead, how many reduced, and how many remain, and what was fit to be done concerning them.

Fourthly, The having ready of some commonwealth bills that may add respect and acknowledgment of the king's care; not wooing bills to make the king and his graces cheap, but good matter to set them on work, that an empty stomach do not feed upon humour.

Of these four points, that which concerneth persons is not so fit to be communicated with the council table,* but to be kept within fewer hands. The other three may when they are ripe.

Meanwhile I thought good to give his majesty an account what is done, and in doing, humbly craving his direction if any thing be to be altered or added, though it may be ourselves shall have second thoughts, this being but the result of our first meeting.

The state of his majesty's treasure still maketh me sad; and I am sorry I was not at Theobald's to report it, or that it was not done by my fellow: it is most necessarily we do it faithfully and freely. For to flatter in this were to betray his majesty with a kiss. I humbly pray his majesty to think of my former counsel, and this I will promise, that whomsoever his majesty shall make treasurer, if his majesty shall direct him to have relation to my advice, I will continue the same care and advice I do now, and much more cheerfully when I shall perceive that my propositions shall not be *literæ scriptæ in glacie*.

Meanwhile, to keep the commission in doing of somewhat worth the doing, it may please his majesty to take knowledge that, upon our report, we had agreed to make remonstrance to him, that we thought Ireland might (if his majesty leave it to our care) be brought by divers good expedients to bear their own charge; and, therefore, his majesty may be pleased, by his commandment, to set us in hand with it out of hand. God ever prosper you.

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

October 7, 1620.

TO SIR HENRY WOTTON.

MY VERY GOOD COUSIN,

The letter which I received from your lordship upon your going to sea was more than a compensation for any former omission; and I shall be very glad to entertain a correspondence with you n both kinds which you write of: for the latter, I am now ready for you, having sent you some ore of that mine. I thank you for your favours to Mr. Meautys, and I pray continue the same. So, wishing you out of your honourable exile, and placed in a better orb, I rest

Your lordship's affectionate kinsman
and assured friend,
FR. VERULAM, Canc.

York House, October 20, 1620.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I send his majesty a form of a proclamation for the Parliament, which I thought fit to offer

* *Draught of a Proclamation for a Parliament*:—

As in our princely judgment, we hold nothing more worthy of a Christian monarch than the conservation of peace at home and abroad; whereby effusion of Christian blood and other calamities of war are avoided; trade is kept open; laws and justice retain their due vigour and play; arts and sciences

first to his majesty's perusal before I acquainted the counsel.

For that part which concerneth the foreign business, his majesty will graciously consider how easy it is for me to mistake, or not to attain, which his majesty in his wisdom will pardon, correct, and direct.

For that part touching the elections, I have

flourish; subjects are less burdened with taxes and tallages, and infinite other benefits redound to the state of a commonweal: so in our practice, we suppose there hath been seldom any king that hath given more express testimonies and real pledges of this desire to have peace conserved than we have done in the whole course of our regiment.

For neither have we, for that which concerns ourselves, been ready to apprehend or embrace any occasions or opportunities of making war upon our neighbours; neither have we omitted, for that which may concern the states abroad, any good office or royal endeavour, for the quenching of the sparks of troubles and discords in foreign parts. Wherein, as we have been always ready and willing, so we wish that we had been always as happy and prevailing in our advices and counsels that tended to that end.

And yet do we not forget that God hath put into our hands a sceptre over populous and warlike nations, which might have moved us to second the affection and disposition of our people, and to have wrought upon it, for our own ambition, if we had been so minded. But it hath sufficed unto us to seek a true and not swelling greatness in the plantations and improvements of such part of our dominions as have in former times been more desolate and uncivil, and in the maintaining of all our loving subjects in general, in tranquillity and security, and the other conditions of good government and happy times. But amongst other demonstrations of our constant purpose and provident care to maintain peace, there was never such a trial, nor so apparent to the world (as in a theatre) as our persisting in the same resolution, since the time that our dear son-in-law was elected and accepted King of Bohemia; by how much the motives tending to shake and assail our said resolution were the more forcible. For neither did the glory of having our dearest daughter and son-in-law to wear a crown, nor the extreme alacrity of our people devoted to that cause, nor the representations, which might be set before us of dangers, (if we should suffer a party in Christendom, held commonly adverse and ill affected to our state and government, to gather further reputation and strength,) transport us to enter into an auxiliary war in prosecution of that quarrel: but, contrariwise, finding the justice of the cause not so clear as that we could be presently therein satisfied, and weighing with ourselves likewise, that if the kingdom of Bohemia had continued in the house of Austria; yet, nevertheless, the balance of Christendom had stood in no other sort than it had done for many years before without increase of party; and chiefly fearing that the wars in those parts of Germany, which have been hitherto the bulwark of Christendom against the approaches of the Turk, might, by the intestine dissensions, allure and let in the common enemy, we did abstain to declare, or engage ourselves in that war, and were contented only to give permission to the ambassador of our son-in-law, to draw some voluntary helps of men and money from our subjects, being a matter that violated no treaty, and could not be denied in case of so near a conjunction.

But, while we contained ourselves in this moderation, we find the event of war hath much altered the case, by the late invasion of the Palatinate, whereby (howsoever under the pretence of a diversion) we find our son, in fact, expulsed in part, and in danger to be totally dispossessed of his ancient inheritance and patrimony, so long continued in that noble line; whereof we cannot but highly resent, if it should be alienated and ravished from him in our times, and to the prejudice of our grandchildren and line royal. Neither can we think it safe for us, in reason of state, that the county Palatine, carrying with itself an electorate, and having been so long in the hands of princes of our religion, and no way depending upon the house of Austria, should now become at the disposing of that house; being a matter, that indeed might alter the balance of Christendom importantly, to the weakening of our state, and the estate of our best friends and confederates.

Wherefore, finding a concurrence of reasons and respects of religion, nature, honour, and estate, all of them inducing us in no wise to endure so great an alteration, we are resolved to employ the uttermost of our forces and means to recover and resettle the said Palatinate to our son and our descendants, purposing, nevertheless, according to our former inclination so well grounded, not altogether to intermit (if the occasions give us leave) the treaties of peace and accord, which we have already begun, and whereof the coming on of the winter, and the counterpoise of the actions of war, hitherto may give us as yet some appearance of hope.

But, forasmuch as it were great improvidence to depend upon the success of such treaties, and therefore good policy requires that we should be prepared for a war, which we intend for the recovery and assuring of the said Palatinate, with the dependencies, (a design of no small charge and difficulty, the strength and conjunctures of the adverse party considered,) we have thought good to take into our princely and leration (and that with speed) all things that may have relation to such a designment; amongst which we hold nothing more necessary than to confer and advise with the common council of our kingdom, upon this so important a subject.

For although the making of war or peace be a secret of empire, and a thing properly belonging to our high prerogative royal and imperial power; yet, nevertheless, in causes of that nature, which we shall think fit not to reserve, but to communicate, we shall ever think ourselves much assisted and strengthened by the faithful advice and general assent of our loving subjects.

Moreover, no man is so ignorant as to expect that we should be any ways able (moneys being the sinews of war) to enter into the list against so great potentates, without some large and bountiful help of treasure from our people, as well towards the maintenance of the war as towards the relief of our crown and estate. And this the rather, for that we have now, by the space of full ten years (a thing unheard of in late times) subsisted by our own means, without being chargeable to our people, otherwise than by some voluntary gifts of some particulars; which, though in total amounting great matter, we thankfully acknowledge at their hands: bu ile the affai calm, we did content ourselves to recover our wants by provident retrenchment of charge, and honourable improvement of our own, thinking to wear them out without troubling our people; so, in such a state of Christendom, as seemeth now to hang over our heads, we durst no longer rely upon those slow remedies, but thought necessary (according to the ancient course of our progenitors) to resort to the good affections and aids of our loving subjects.

Upon these considerations, and for that also in respect of so long intermission of a Parliament, the times may have introduced some things fit to be reformed, either by new laws, or by the moderate desires of our loving subjects, dutifully intimated unto us, (wherein we shall ever be no less ready to give them all gracious satisfaction than their own hearts can desire,) we have resolved, by the advice of our privy council, to hold a Parliament at our city of Westminster

And because, as well this great cause, (there to be handled amongst the rest, and to be weighed by the beam of the kingdom,) as also the true and ancient institution of Parliament, do require the Lower House (at this time if ever) to be compounded of the gravest, ablest, and worthiest members that may be found: we do hereby, out of the care of the common good, wherein themselves are participant, (without all prejudice to the freedom of elections,) admonish all our loving subjects (that have votes in the elections of knights and burgesses) of these few points following.

First, That they cast their eyes upon the worthiest men of all sorts, knights and gentlemen, that are lights and guides in their countries, experienced Parliament men, wise and discreet statesmen, that have been practised in public affairs, whether at home or abroad; grave and eminent lawyers, substantial citizens and burgesses, and generally such as are interested and have portion in the estate.

Secondly, That they make choice of such as are well affected in religion, without declining either on the one hand

communicated it with my colleagues, Sir Edward Coke, the two chief justices, and Serjeant Crew, who approve it well; and we are all of opinion, that it is not good to have it more peremptory, more particular, nor more sharp.

We are thinking of some commonwealth laws, amongst which I would have one special for the maintenance of the navy, as well to give occasion to publish (to his majesty's honour) what hath been already done; as, to speak plainly, to do your lordship's honour in the second place; and, besides, it is agreeable to the times. God ever prosper you.

Your lordship's obliged friend and faithfu servant,

FR. VERULAM, Canc.

October 18, 1620.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Your lordship will pardon me, if, partly in the freedom of adversity, and partly of former friendship, (the sparks whereof cannot but continue,) I open myself to your lordship and desire also your lordship to open yourself to me. The two last acts which you did for me, in procuring the releasement of my fine, and my *quietus est*, I acknowledge were effects, real and material, of your love and favour, which, as to my knowledge, it never failed me in my prosperity; so, in these two things it seems not to have turned with the wheel. But the extent of these two favours is not much more than to keep me from persecution; for any thing further which might tend to my comfort and assistance, as I cannot say to myself that your lordship hath forsaken me, so I see not the effects of your undeserved, yea, undesired professions and promises, which, being made to a person in affliction, hath the nature after a sort of vows. But that which most of all makes me doubt of a change, or cooling in your lordship's affection towards me, is, that being twice now at London, your lordship did not vouchsafe to see me, though by messages you gave me hope thereof, and the latter time I had begged it of your lordship.

The cause of change may either be in myself or your lordship. I ought first to examine myself, which I have done; and God is my witness, I find all well, and that I have approved myself to your lordship a true friend, both in the watery trial of prosperity, and in the fiery trial of adversity. If your lordship take any insatisfaction touching the House, I humbly pray you, think better of it; for that motion to me was a second sentence, more grievous than the first, as things then stood and do yet stand: for it sentenced me to have lost, both in mine own opinion, and much more in the opinion of others, that which was saved to me, almost only, in the former sentence, and which was more dear to me than all that which was taken from me, which is your lordship's love and favour: for had it not been for that bitter circumstance, your lordship knows that you might have commanded my life and all that is mine. But surely it could not be that, nor any thing in me, which wrought the change. It is likely, on the other part, that though your lordship, in your nature, I know to be generous and constant, yet I being now become out of sight, and out of use, your lordship having a flood of new friends, and your ears possessed perhaps by such as would not leave room for an old, your lordship may, even by course of the world and the over-bearing of others, be turned from me, and it were almost a miracle if it should be otherwise. But yet, because your lordship may still have so heroical a spirit as to stand out all these violent assaults, which might have alienated you from your friend, my humble suit to your lordship is, that remembering your former friendship, which began with your beginning, and since that time hath never failed on my part, your lordship would deal clearly with me, and let me know whether I continue in your favour or no; and whether in those poor requests, which I may yet make to his majesty, (whose true servant I ever was and am,) for the tempering of my misery, I may presume to use your lordship's favour and help, as I have done; for otherwise it were a kind of stupidness in me, and a great trouble also to your lordship, for me not to discern the change, for your lordship to have an importuner, instead of a friend and a suitor. Though, howsoever, if your lordship should never think of me more, yet in respect of your former favours, which cannot altogether be made void, I must remain, &c.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Though I returned an answer to your lordship's last honourable and kind letter, by the same way

to blindness and superstition, or on the other hand to schism or turbulent disposition.

Thirdly and lastly, That they be truly sensible, not to disvalue or disparage the House with bankrupts and necessitous persons, that may desire long Parliaments only for protection; lawyers of mean account and estimation; young men that are not ripe for grave consultations; mean dependents upon great persons, that may be thought to have their voices under command, and such like obscure and inferior persons: so that, to conclude, we may have the comfort to see before us the very face of a sufficient and well composed House, such as may be worthy to be a representative of the third estate of our kingdom, fit to nourish a loving and comfortable meeting between us and our people, and fit to be a noble instrument, under the blessing of Almighty God, and our princely care and power, and with the loving conjunction of our prelates and peers, for the settling of so great affairs, as are before expressed.

by which I received it, yet I humbly pray your lordship to give me leave to add these few lines. My lord, as God above is my witness, that I ever have loved and honoured your lordship as much, I think, as any son of Adam can love or honour any thing that is a subject; and do still continue in as hearty and strong wishes of felicity to be heaped and fixed upon you as ever: and so yet I protest, that at this time, as low as I am, I had rather sojourn the rest of my life in a college in Cambridge, than recover a good fortune by any other than yourself. But now, to recover yourself to me, (if I have you not already,) or to ease your lordship in any business of mine, wherein your lordship would not so fully appear, or to be made partaker of your favours in the way that you like best, I would use any man who were your lordship's friend. Secondly, if in any thing of my former letters I have given your lordship any distaste, either by the style of them or any particular passage in them, I humbly pray your lordship's benign construction and pardon. I confess it is my fault, though yet it be some happiness to me withal, that I many times forget my adversity: but I shall never forget to be, &c.

TO THE EARL OF ARUNDEL AND SURREY.

My very good Lord,

I was likely to have had the fortune of Cajus Plinius the elder, who lost his life by trying an experiment about the burning of the Mountain Vesuvius. For I was also desirous to try an experiment or two, touching the conservation and induration of bodies. As for the experiment itself, it succeeded excellently well; but in the journey (between London and Highgate,) I was taken with such a fit of casting, as I knew not whether it were the stone, or some surfeit, or cold, or indeed a touch of them all three. But when I came to your lordship's house, I was not able to go back, and therefore was forced to take up my lodging here, where your housekeeper is very careful and diligent about me, which I assure myself your lordship will not only pardon towards him, but think the better of him for it. For indeed your lordship's house was happy to me; and I kiss your noble hands for the welcome which I am sure you give me to it, &c.

I know how unfit it is for me to write to your lordship with any other hand than my own; but, by my troth, my fingers are so disjointed with this fit of sickness, that I cannot steadily hold a pen.

LETTERS FROM BIRCH.

MR. FRANCIS BACON TO SIR JOHN PUCKERING, LORD KEEPER OF THE GREAT SEAL.*

My Lord,—It is a great grief unto me, joined with marvel, that her majesty should retain a hard conceit of my speeches in parliament.† It might please her sacred majesty to think what my end should be in those speeches, if it were not duty, and duty alone. I am not so simple but I know the common beaten way to please. And whereas popularity hath been objected, I muse what care I should take to please many, that take a course of life to deal with few. On the other side, her majesty's grace and particular favour towards me hath been such, as I esteem no worldly thing above the comfort to enjoy it, except it be the conscience to deserve it. But, if the not seconding of some particular person's opinion shall be presumption, and to differ upon the manner shall be to impeach the end, it shall teach my devotion not to exceed wishes, and those in silence. Yet, notwithstanding, (to speak vainly as in grief,) it may be her majesty hath discouraged as good a heart as ever looked toward her service, and as void of self-love. And so, in more grief than I can well express, and much more than I can well dissemble, I leave your lordship, being as ever,

Your lordship's entirely devoted, &c.

* Harl. MSS. vol. 286, No. 129, fol. 232.

† On Wednesday, the 7th of March, 1592-3, upon the three subsidies demanded of the House of Commons; to which he assented, but not to the payment of them under six years, urging the necessities of the people, the danger of raising public discontentment, and the setting of an evil precedent against themselves and their posterity. See Sir Simmonds D'Ewes's Journals, p 493. He sat in that parliament, which met November 19, 1592, and was dissolved 10 April, 1593, as one of the knights of the shire for Middlesex.

TO SIR THOMAS EGERTON, LORD KEEPER OF THE GREAT SEAL.*

It may please your Lordship,

I am to make humble complaint to your lordship of some hard dealing offered me by one Sympson, a goldsmith, a man noted much, as I have heard, for extremities and stoutness upon his purse; but yet I could scarcely have imagined he would have dealt either so dishonestly

* From the original in the Hatfield Collection of State Papers, communicated to me by the Rev. William Murdin, B. D., and intended by him for the public in a third volume of the collection of those papers, if his death had not prevented him from executing his design.

towards myself, or so contemptuously towards her majesty's service. For this Lombard (pardon me, I most humbly pray your lordship, if, being admonished by the street he dwells in, I give him that name) having me in bond for three hundred pounds principal, and I having the last term confessed the action, and by his full and direct consent, respited the satisfaction till the beginning of this term to come, without ever giving me warning, either by letter or message, served an execution upon me, having trained me at such time as I came from the Tower, where Mr. Waad can witness, we attended a service of no mean importance;* neither would he so much as vouchsafe to come and speak with me to take any order in it, though I sent for him divers times, and his house was just by; handling it as upon a despite, being a man I never provoked with a cross word, no, nor with many delays. He would have urged it to have had me in prison; which he had done, had not Sheriff More, to whom I sent, gently recommended me to a handsome house in Coleman street, where I am. Now, because he will not treat with me, I am enforced humbly to desire your lordship to send for him according to your place, to bring him to some reason; and this forthwith, because I continue here to my farther discredit and inconvenience, and the trouble of the gentleman with whom I am. I have a hundred pounds lying by me, which he may have, and the rest upon some reasonable time and security, or, if need be, the whole; but with my more trouble. As for the contempt he hath offered, in regard her majesty's service to my understanding, carrieth a privilege *eundo et redeundo* in meaner causes, much more in matters of this nature, especially in persons known to be qualified with that place and employment, which, though unworthy, I am vouchsafed, I enforce nothing, thinking I have done my part when I have made it known, and so leave it to your lordship's honourable consideration. And, so with signification of my humble duty, &c.

* It is not easy to determine what this service was; but it seems to relate to the examination of some prisoner; perhaps Edward Squire, executed in November, 1598, for poisoning the queen's saddle; or Valentine Thomas, who accused the King of Scots of practices against Queen Elizabeth [*Historical View*, p. 178;] or one Stanley, concerning whom I shall insert here passages from two MS. letters of John Chamberlain, Esq., to his friend, Dudley Carleton, Esq.; afterwards ambassador to Venice, the United Provinces, and France; these letters being part of a very large collection, from 1598 to 1625, which I transcribed from the originals. "One Stanley," says Mr. Chamberlain, in his letter dated at London, 3d of October, 1698, "that came in sixteen days over land with letters out of Spain, is lately committed to the Tower He was very earnest to have private conference with her majesty, pretending matter of great importance, which he would by no means utter to anybody else." In another letter, dated 20th of November, 1598, Mr. Chamberlain observes, that on "the day that they looked for Stanley's arraignment, he came not himself, but sent his forerunner, one Squire, that had been an under purveyor of the stable, who being in Spain was dealt withal by one Walpole, a Jesuit, to poison the queen and the Earl of Essex; and accordingly came prepared into England, and went with the earl in his own ship the last journey, and poisoned the arms or handles of the chair he used to sit in, with a confection he had received of the Jesuit; as likewise he had done the pummel of the queen's saddle, not past five days before his going to sea. But, because nothing succeeded of it, the priest thinking he had either changed his purpose, or betrayed it, gave Stanley instructions to accuse him; thereby to get him more credit, and to be revenged of Squire for breaking promise. The fellow confessed the whole practice, and, as it seemed, died very penitent."

TO SIR ROBERT CECIL, SECRETARY OF STATE.*

IT MAY PLEASE YOUR HONOUR,

I humbly pray you to understand how badly I have been used by the enclosed, being a copy of a letter of complaint thereof, which I have written to the lord keeper. How sensitive you are of wrongs offered to your blood in my particular I have had not long since experience. But, herein I think your honour will be doubly sensitive, in tenderness also of the indignity to her majesty's service; for as for me, Mr. Sympson might have had me every day in London; and, therefore, to belay me while he knew I came from the Tower about her majesty's special service, was to my understanding very bold. And two days before he brags he forbore me, because I dined with Sheriff More: so as with Mr. Sympson, examinations at the Tower are not so great a privilege, *eundo et redeundo*, as Sheriff More's dinner. But this complaint I make in duty; and to that end have also informed my Lord of Essex thereof; for, otherwise his punishment will do me no good.

So, with signification of my humble duty, I commend your honour to the divine preservation.

At your honourable command particularly,

FR. BACON.

From Coleman street, this
24th of September, 1598

TO MR. SECRETARY CECIL.*

IT MAY PLEASE YOUR HONOUR,

Because we live in an age, where every man's imperfections are but another's fable; and that there fell out an accident in the Exchequer, which I know not how, nor how soon may be traduced, though I dare trust rumour in it, except it be malicious, or extreme partial; I am bold now to possess your honour, as one that ever I found careful of my advancement, and yet more jealous of my wrongs, with the truth of that which passed; deferring my farther request, until I may attend your honour: and so, I continue

Your honour's very humble and
particularly bounden,

FR. BACON.

Gray's Inn, this
24th of April, 1601.

* From the Hatfield Collection.

TO ROBERT, LORD CECIL.*

It may please your good Lordship,

They say late thanks are ever best: but the reason was, I thought to have seen your lordship ere this; howsoever, I shall never forget this your last favour amongst others; and it grieveth me not a little, that I find myself of no use to such an honourable and kind friend.

For that matter, I think I shall desire your assistance for the punishment of the contempt; not that I would use the privilege in future time, but because I would not have the dignity of the king's service prejudiced in my instance. But, herein I will be ruled by your lordship.

It is fit likewise, though much against my mind, that I let your lordship know, that I shall not be able to pay the money within the time by your lordship undertaken, which was a fortnight. Nay, money I find so hard to come by at this time, as I thought to have become an humble suitor to your honour to have sustained me with your credit for the present from urgent debts, with taking up three hundred pounds till I can put away some land. But, I am so forward with some sales, as this request I hope I may forbear.

For my estate, (because your honour hath care of it,) it is thus: I shall be able with selling the skirts of my living in Hertfordshire† to preserve the body, and to leave myself, being clearly out of debt, and having some money in my pocket, three hundred pounds land per annum, with a fair house, and the ground well timbered. This is now my labour.

For my purpose or course, I desire to meddle as little as I can in the king's causes, his majesty now abounding in council; and to follow my private thrift and practice, and to marry with some convenient advancement. For, as for any ambition, I do assure your honour, mine is quenched. In the queen's my excellent mistress's time, the *quorum* was small; her service was a kind of freehold, and it was a more solemn time. All those points agreed with my nature and judgment. My ambition now I shall only put upon my pen, whereby I shall be able to maintain memory and merit of the times succeeding.

Lastly, for this divulged and almost prostituted title of knighthood, I could, without charge, by your honour's mean, be content to have it, both because of this late disgrace, and because I have three new knights in my mess in Gray's Inn commons; and because I have found out an alderman's daughter,‡ a handsome maiden to my liking. So as, if your honour will find the time, I will come to the court from Gorhambury, upon any warning.

How my sales go forward, your lordship shall, in a few days, hear; meanwhile, if you will not be pleased to take farther day with this lewd fellow, I hope your lordship will not suffer him to take any part of the penalty, but principal, interest, and costs.

So, I remain your lordship's
most bounden,
Fr. Bacon.

3d July, 1603.

* From the Hatfield Collection.

† Gorhambury.

‡ Probably the lady whom he afterwards married, Alice, one of the daughters and co-heirs of Benedict Barnham, Esq., alderman of London. She survived her husband above twenty years. *Life of Lord Bacon by Dr. William Rawley.*

TO ROBERT, LORD CECIL.

It may please your good Lordship,

In answer of your last letter, your money shall be ready before your day, principal, interest, and costs of suit. So the sheriff promised when I released errors; and a Jew takes no more. The rest cannot be forgotten; for I cannot forget your lordship's *dum memor ipse mei:* and if there have been *aliquid nimis*, it shall be amended. And, to be plain with your lordship, that will quicken me now which slackened me before. Then I thought you might have had more use of me, than now, I suppose, you are like to have. Not but I think the impediment will be rather in my mind than in the matter or times. But, to do you service, I will come out of my religion at any time.

For my knighthood,* I wish the manner might be such as might grace me, since the matter will not: I mean, that I might not be merely gregarious in a troop. The coronation is at hand. It may please your lordship to let me hear from you speedily. So I continue

Your lordship's ever much bounden,
Fr. Bacon.

From Gorhambury, this 16th of July, 1603.

THE BEGINNING OF A LETTER IMMEDIATELY AFTER MY LORD TREASURER'S† DECEASE.‡

It may please your Majesty:

If I shall seem, in these few lines, to write *majora quam pro fortuna*, it may please your majesty to take it to be an effect, not of presumption, but of affection. For, of the one I was never noted; and for the other, I could never show it hitherto to the full, being as a hawk tied to another's fist, that might sometimes bait and proffer, but could never fly. And, therefore, if, as it was said to one that spoke great words, *Amice, verba tua desiderant civitatem*,§ so your majesty say to me, "Bacon, your words require a place to speak them;" I must answer, that place, or not place, is in your majesty to add or refrain: and, though I never grow eager but to ******, yet your majesty——

* He was knighted at Whitehall, July 23, 1603.

† Robert, Earl of Salisbury, who died 24th of May, 1612.

‡ The draught of this imperfect letter is written chiefly in Greek characters.

§ These words of Themistocles are cited likewise by Lord Bacon at the end of his book *De Augmentis Scientiarum.*

TO THE KING, IMMEDIATELY AFTER THE LORD TREASURER'S DEATH.

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

I cannot but endeavour to merit, considering your preventing graces, which is the occasion of these few lines.

Your majesty hath lost a great subject and a great servant. But, if I should praise him in propriety, I should say that he was a fit man to keep things from growing worse; but no very fit man to reduce things to be much better. For he loved to have the eyes of all Israel a little too much on himself, and to have all business still under the hammer, and, like clay in the hands of the potter, to mould it as he thought good; so that he was more *in operatione* than *in opere*. And, though he had fine passages of action, yet the real conclusions came slowly on. So that, although your majesty hath grave counsellors and worthy persons left, yet you do, as it were, turn a leaf wherein, if your majesty shall give a frame and constitution to matters before you place the persons, in my simple opinion, it were not amiss. But the great matter, and most instant for the present, is the consideration of a Parliament, for two effects; the one for the supply of your estate, the other for the better knitting of the hearts of your subjects unto your majesty, according to your infinite merit; for both which, Parliaments have been, and are, the ancient and honourable remedy.

Now, because I take myself to have a little skill in that region, as one that ever affected that your majesty might, in all your causes, not only prevail, but prevail with satisfaction of the inner man; and though no man can say but I was a perfect and peremptory royalist, yet, every man makes me believe that I was never one hour out of credit with the Lower House; my desire is, to knew whether your majesty will give me leave to meditate and propound unto you some preparative remembrances, touching the future Parliament.

Your majesty may truly perceive that, though I cannot challenge to myself either invention or judgment, or elocution, or method, or any of those powers, yet my offering is care and observance: and, as my good old mistress was wont to call me her watch candle, because it pleased her to say I did continually burn, (and yet she suffered me to waste almost to nothing,) so I must much more owe the like duty to your majesty, by whom my fortunes have been settled and raised. And so, craving pardon, I rest

Your majesty's most humble
servant devote, F. B.

31 May, 1612.

TO THE KING.

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

My principal end being to do your majesty service, I crave leave to make, at this time, to your majesty, this most humble oblation of myself; I may truly say with the psalm, *Multum incola fuit anima mea*; for my life hath been conversant in things, wherein I take little pleasure. Your majesty may have heard somewhat, that my father was an honest man; and somewhat yet, I may have been of myself, though not to make any true judgment by, because I have hitherto had only *potestatem verborum*, nor that neither. I was three of my young years bred with an ambassador in France, and since I have been an old truant in the school-house of your council chamber, though on the second form, yet longer than any that now sitteth hath been in the head form. If your majesty find any aptness in me, or if you find any scarcity in others, whereby you may think it fit for your service to remove me to business of state, although I have a fair way before me for profit, and, by your majesty's grace and favour, for honour and advancement, and in a course less exposed to the blast of fortune, yet, now that he is gone *quo vivente virtutibus certissimum exitium*, I will be ready as a chessman, to be wherever your majesty's royal hand shall set me. Your majesty will bear me witness, I have not suddenly opened myself thus far. I have looked on upon others. I see the exceptions; I see the distractions; and I fear Tacitus will be a prophet, *magis alii homines, quam alii mores*. I know mine own heart; and I know not whether God, that hath touched my heart with the affection, may not touch your royal heart to discern it. Howsoever, I shall go on honestly in mine ordinary course, and supply the rest in prayers for you, remaining, &c.

TO THE KING *

* * * Lastly, I will make two prayers unto your majesty, as I used to do to God Almighty, when I commend to him his own glory and cause; so I will pray to your majesty for yourself.

The one is, that these cogitations of want, do not any ways trouble or vex your mind. I remember Moses saith of the land of promise, that it was not like the land of Egypt, that was watered with a river, but was watered with showers from heaven; whereby I gather, God preferreth, sometimes uncertainties before certainties, because they teach a more immediate dependence upon his providence. Sure I am, *nil novi accidit vobis*. It is no new thing for the greatest kings to be in debt: and, if a man shall *parvis componere magna*, I have seen an Earl of Leicester, a Chancellor Hatton, an Earl of Essex, and an Earl of Salisbury, in debt; and

* The beginning of this letter is wanting

yet was it no manner of diminution to their power or greatness.

My second prayer is, that your majesty, in respect of the hasty freeing of your estate, would not descend to any means, or degree of means, which carrieth not a symmetry with your majesty and greatness. He is gone from whom those courses did wholly flow. So have your wants and necessities in particular, as it were, hanged up in two tablets before the eyes of your Lords and Commons, to be talked of for four months together; to have all your courses, to help yourself in revenue or profit, put into printed books, which were wont to be held *arcana imperii*; to have such worms of aldermen, to lend for ten in the hundred upon good assurance, and with such * *, as if it should save the bark of your fortune; to contract still where might be had the readiest payment, and not the best bargain; to stir a number of projects for your profit, and then to blast them, and leave your majesty nothing but the scandal of them; to pretend an even carriage between your majesty's rights and the ease of the people, and to satisfy neither. These courses, and others the like, I hope, are gone with the deviser of them, which have turned your majesty to inestimable prejudice.*

I hope your majesty will pardon my liberty of writing. I know these things are *majora quam pro fortunâ*: but they are *minora quam pro studio et voluntate*. I assure myself, your majesty taketh not me for one of a busy nature; for my state being free from all difficulties, and I having such a large field for contemplations, as I have partly, and shall much more make manifest to your majesty and the world, to occupy my thoughts, nothing could make me active but love and affection. So, praying my God to bless and favour your person and estate, &c.

TO THE KING.

It may please your excellent Majesty,

I have, with all possible diligence, since your majesty's progress, attended the service committed to the subcommissioners, touching the repair and improvement of your majesty's means: and this I have done, not only in meeting, and conference, and debate with the rest, but also by my several and private meditation and inquiry: so that, besides the joint account, which we shall give to the lords, I hope I shall be able to give your majesty somewhat *ex pro prio*. For as no man loveth better *consulere in commune* than I do; neither am I of those fine ones that use to keep back any thing, wherein they think they may win credit apart, and so make the consultation almost *inutile*. So, nevertheless, in cases where matters shall fall upon the by, perhaps of no less worth than that, which is the proper subject of the consultation; or where I find things passed over too slightly, or in cases where that, which I should advise, is of that nature, as I hold it not fit to be communicated to all those with whom I am joined; these parts of business I put to my private account; not because I would be officious, (though I profess I would do works of supererogation if I could,) but in a true discretion and caution. And your majesty had some taste in those notes which I gave you for the wards, (which it pleased you to say, were no tricks nor novelties, but true passages of business,) that mine own particular remembrances and observations are not like to be unprofitable. Concerning which notes for the wards, though I might say, *sic vos non vobis*, yet let that pass.

I have also considered fully, of that great proposition which your majesty commended to my care and study, touching the conversion of your revenue of land into a multiplied present revenue of rent: wherein, I say, I have considered of the means and course to be taken of the assurance, of the rates, of the exceptions, and of the arguments for and against it. For, though the project itself be as old as I can remember, and falleth under every man's capacity, yet the dispute and manage of it, asketh a great deal of consideration and judgment; projects being, like Æsop's tongues, the best meat and the worst, as they are chosen and handled. But surely, *ubi deficiunt remedia ordinaria, recurrendum est ad extraordinaria*. Of this also I am ready to give your majesty an account.

Generally, upon this subject of the repair of your majesty's means, I beseech your majesty to give me leave to make this judgment, that your majesty's recovery must be by the medicines of the Galenists and Arabians, and not of the chymists or Paracelsians. For it will not be wrought by any one fine extract, or strong water, but by a skilful company of a number of ingredients, and those by just weight and proportion, and that of some simples, which perhaps of themselves, or in over-great quantity, were little better than poisons, but, mixed and broken, and in just quantity, are full of virtue. And, secondly, that as

* It will be but justice to the memory of the Earl of Salisbury, to remark, that this disadvantageous character of him, by Sir Francis Bacon, seems to have been heightened by the prejudices of the latter against that able minister, grounded upon some suspicions, that the earl had not served him with so much zeal as he might have expected from so near a relation, either in Queen Elizabeth's reign, or of that of her successor. Nor is it any just imputation on his lordship, that he began to decline in King James the First's good opinion, when his majesty's ill economy occasioned demands on the lord treasurer, which all his skill, in the business of the finances, could not answer, but which drew from him advices and remonstrances still extant, which that king not being very ready to profit by, conceived some resentment against his old servant and even retained it against his memory.

your majesty's growing behindhand, hath been work of time, so must likewise be your majesty's coming forth and making even. Not but I wish it were by all good and fit means accelerated, but that I foresee, that if your majesty shall propound to yourself to do it *per saltum*, it can hardly be without accidents of prejudice to your honour, safety, or profit.

Endorsed,

My letter to the king, touching his estate in general, September 18, 1612.

TO THE KING.

MAY IT PLEASE YOUR MAJESTY,

According to your highness's pleasure, signified by my Lord Chamberlain,* I have considered of the petition of certain baronets,† made unto your majesty for confirmation and extent, or explanation of certain points mentioned in their charter, and am of opinion, that first, whereas it is desired, that the baronets be declared a middle degree, between baron and knight, I hold this to be reasonable as to their placing.

Secondly, Where it is desired, that unto the words degree or dignity of baron, the word honour might be added; I know very well, that in the preface of the baronets' patent it is mentioned, that all honours are derived from the king. I find also, that in the patent of the baronets, which are marshalled under the barons, (except it be certain principals,) the word honour is granted. I find also, that the word dignity is many times in law a superior word to the word honour, as being applied to the king himself, all capital indictments concluding *contra coronam et dignitatem nostram*. It is evident also, that the word honour and honourable are used in these times in common speech very promiscuously. Nevertheless, because the style of honour belongs chiefly to peers and counsellors, I am doubtful what opinion to give therein.

Thirdly, Whereas it is believed, that if there be any question of precedence touching baronets, it may be ordered, that the same be decided by the commissioners marshal; I do not see but it may be granted them for avoiding disturbances.

Fourthly, For the precedence of baronets I find no alteration or difficulty, except it be in this, that the daughters of baronets are desired to be declared to have precedence before the wives of knights' eldest sons; which, because it is a degree hereditary, and that, in all examples, the daughters in general have place next the eldest brothers' wives, I hold convenient.

Lastly, Whereas it is desired, that the apparent heirs males of the bodies of the baronets may be knighted during the life of their fathers; for that I have received from the lord chamberlain a signification, that your majesty did so understand it, I humbly subscribe thereunto with this, that the baronets' eldest sons being knights, do not take place of ancient knights, so long as their fathers live.

All which, nevertheless, I humbly submit to your majesty's judgment.

Your majesty's most humble
and most bounden servant,
FR. BACON.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

Having understood of the death of the lord chief justice,* I do ground, in all humbleness, an assured hope, that your majesty will not think of any other but your poor servants, your attorney† and your solicitor,‡ one of them for that place. Else we shall be like Noah's dove, not knowing where to rest our feet. For the places of rest, after the extreme painful places wherein we serve, have used to be either the lord chancellor's place, or the mastership of the rolls, or the places of the chief justices; whereof, for the first, I could be almost loath to live to see this worthy counsellor fail. The mastership of the rolls is blocked with a reversion.§ My Lord Coke is like to outlive us both: so as, if this turn fail, I, for my part, know not whither to look. I have served your majesty above a prenticehood, full seven years and more, as your solicitor, which is, I think, one of the painfullest places in your kingdom, specially as my employments have been: and God hath brought mine own years to fifty-two, which, I think, is older than ever any solicitor continued unpreferred. My suit is principally that you would remove Mr. Attorney to the place. If he refuse, then I hope your majesty will seek no farther than myself, that I may at last, out of your majesty's grace and favour, step forwards to a place either of more comfort or more ease. Besides, how necessary it is for your majesty to strengthen your service amongst the judges by a chief justice which is sure to your prerogative, your majesty knoweth. Therefore, I cease farther to trouble your majesty, humbly craving pardon,

* Thomas Howard, Earl of Suffolk.

† The order of baronets was created by patent of King James I., dated the 22d of May, 1611. The year following, a decree was made relating to their place and precedence; and four years after, viz., in 1616, another decree to the same purpose. See *Selden's Titles of Honour*, Part II., Ch. V., p. 821 Ch. XI., p. 910, and 906. 2d Edit. fol. 1613.

* Sir Thomas Fleming, who died about August, 1613.

† Sir Henry Hobart, who was made Lord Chief Justice of the Common Pleas, November 26, 1613, in the room of Sir Edward Coke, removed to the post of Lord Chief Justice of the King's Bench, October 25.

‡ Sir Francis Bacon himself, who was appointed attorney-general, Oct 27, 1613.

§ To Sir Julius Cæsar

and relying wholly upon your goodness and remembrance, and resting, in all true humbleness.

Your majesty's most devoted, and
faithful subject and servant,
FR. BACON.

TO MR. MURRAY.*

GOOD MR. MURRAY,

According to his majesty's pleasure by you signified to me, we have attended my lord chancellor,† my lord treasurer,‡ and Mr. Chancellor of the Exchequer,§ concerning Sir Gilbert Houghton's patent stayed at the seal; and we have acquainted them with the grounds and state of the suit, to justify them that it was just and beneficial to his majesty. And for any thing we could perceive by any objection or reply they made, we left them in good opinion of the same, with this, that because my lord chancellor (by the advice, as it seemeth, of the other two) had acquainted the council-table, for so many as were then present, with that suit amongst others, they thought fit to stay till his majesty's coming to town, being at hand, to understand his farther pleasure. We purpose, upon his majesty's coming, to attend his majesty, to give him a more particular account of this business, and some other. Meanwhile, finding his majesty to have care of the matter, we thought it our duty to return this answer to you in discharge of his majesty's direction. We remain

Your assured friends,
FR. BACON,
HENRY YELVERTON.

July 6, 1615.

TO SIR GEORGE VILLIERS.

SIR,—The message which I received from you by Mr. Shute hath bred in me such belief and confidence as I will now wholly rely upon your excellent and happy self. When persons of greatness and quality begin speech with me of the matter, and offer me their good offices, I can but answer them civilly. But those things are but toys: I am yours surer to you than to mine own life; for, as they speak of the turquois stone in a ring, I will break into twenty pieces before you have the least fall. God keep you ever.

Your truest servant,
FR. BACON.

February 15, 1615.

My lord chancellor is prettily amended. I was with him yesterday almost half an hour. He used me with wonderful tokens of kindness. We both wept, which I do not often.

Endorsed,

A letter to Sir George Villiers, touching a message brought to him by Mr. Shute, of a promise of the chancellor's place.

MR. TOBIE MATTHEW* TO SIR FRANCIS BACON, ATTORNEY-GENERAL.

MAY IT PLEASE YOU, SIR,

The notice I have from my Lord Roos, Sir Henry Goodere, and other friends, of the extreme obligation wherein I continue towards you, together with the conscience I have of the knowledge how dearly and truly I honour and love you, and daily pray that you may rise to that height which the state wherein you live can give you, hath taken away the wings of fear, whereby I was almost carried away from daring to importune you in this kind. But I know how good you have always been, and are still, towards me; or rather because I am not able to comprehend how much it is; I will presume there is enough for any use, whereupon an honest humble servant may employ it.

It imports the business of my poor estate, that I be restored to my country for some time; and I have divers friends in that court, who will further my desire thereof, and particularly Mr. Secretary Lake and my Lord Roos, whom I have desired to confer with you about it. But nothing can be done therein, unless my Lord of Canterbury† may be made propitious, or at least not averse; nor do I know in the world how to charm him but by the music of your tongue. I beseech you, sir, lose some minutes upon me, which I shall be glad to pay by whole years of service; and call to mind, if it please you, the last speech you made me, that if I should continue as I then was, and neither prove ill-affected to the state, nor become otherwise than a mere secular man in my religion, you would be pleased to negotiate for my return. On my part the conditions are performed; and it remains, that you do the like: nor can I doubt but that the nobleness of your nature, which loves nothing in the world so well as to be doing of good, can descend from being the attorney-general

* Harl. MSS. vol. 6986.
† Ellesmere.
‡ Thomas Howard, Earl of Suffolk.
§ Sir Fulk Grevile, advanced to that post October 1, 1614, in the room of Sir Julius Cæsar, made Master of the Rolls.

* Son of Dr. Tobie Matthew, Archbishop of York. He was born at Oxford in 1578, while his father was Dean of Christ Church, and educated there. During his travels abroad, he was seduced to the Romish religion by Father Parsons. This occasioned his living out of his own country from the year 1607 to 1617, when he had leave to return to England. He was again ordered to leave it in October, 1618; but, in 1622, was recalled to assist in the match with Spain; and, on account of his endeavours to promote it, was knighted by King James I. at Royston, on the 10th of October, 1623. He translated into Italian Sir Francis Bacon's Essays, and died at Ghent in Flanders, October 13, 1655, N. S.
† Dr. George Abbot.

to a great king, to be solicitor for one of the meanest subjects that he hath.

I send my letter to my lord's grace open, that before you seal it (if you shall think fit to seal it, and rather not to deliver it open) you may see the reasons that I have; which, if I be not partial, are very pregnant. Although I confess, that till it was now very lately motioned to me by some honourable friends, who have already procured to disimpression his majesty of some hard conceit he had me in, I did not greatly think thereof; and now I am full of hope that I shall prevail. For supposing that my Lord of Canterbury's mind is but made of iron, the adamant of your persuasion will have power to draw it. It may please you either to send a present answer hereunto, or, since I am not worthy of so much favour, to tell either of those honourable persons aforenamed what the answer is, that accordingly they may co-operate.

This letter goes by Sir Edward Parham, a gentleman whom I have been much beholden to. I know him to be a perfect honest man; and since, I protest, I had rather die than deceive you, I will humbly pray, that he may rather receive favour from you than otherwise, when he shall come in your way, which at one time or other all the world there must do. And I shall acknowledge myself much bound to you, as being enabled by this means to pay many of my debts to him.

I presume to send you the copy of a piece of a letter, which Galileo, of whom I am sure you have heard, wrote to a monk of my acquaintance in Italy, about the answering of that place in Joshua, which concerns the sun's standing still, and approving thereby the pretended falsehood of Copernicus's opinion. The letter was written by occasion of the opposition, which some few in Italy did make against Galileo, as if he went about to establish that by experiments which appears to be contrary to Holy Scripture. But he makes it appear the while by this piece of a letter which I send you, that if that passage of Scripture doth expressly favour either side, it is for the affirmative of Copernicus's opinion, and for the negative of Aristotle's. To an attorney-general in the midst of a town, and such a one as is employed in the weightiest affairs of the kingdom, it might seem unseasonable for me to interrupt you with matter of this nature. But I knew well enough in how high account you have the truth of things: and that no day can pass, wherein you give not liberty to your wise thoughts of looking upon the works of nature. It may please you to pardon me so much trouble which I give you in this kind; though yet, I confess, I do not deserve a pardon, because I find not in myself a purpose of forbearing to do the like hereafter. I most humbly kiss your hand.

Your most faithful and affectionate servant,

TOBIE MATTHEW.

Brussels, this 21st of April, 1616

MR. TOBIE MATTHEW TO SIR FRANCIS BACON, ATTORNEY-GENERAL.

MAY IT PLEASE YOUR HONOUR,

Such as know your honour may congratulate with you the favour which you have lately received from his majesty, of being made a counsellor of state:* but as for me, I must have leave to congratulate with the council-table, in being so happy as to have you for an assessor. I hope these are but beginnings, and that the marriage, which now I perceive that fortune is about to make with virtue, will be consummate in your person. I cannot dissemble, though I am ashamed to mention, the excessive honour which you have vouchsafed to do unto my picture. But shame ought not to be so hateful as sin; and without sin I know not how to conceal the extreme obligation, into which I am entered thereby, which is incomparably more than I can express, and no less than as much as I am able to conceive. And as the copy is more fortunate than the original, because it hath the honour to be under your eye, so the original, being much more truly yours than the copy can be, aspires, by having the happiness to see you, to put the picture out of countenance.

I understand by Sir George Petre,† who is arrived here at the Spa, and is so wise as to honour you extremely, though he have not the fortune to be known to your honour, that he had heard how my Lord of Canterbury had been moved in my behalf, and that he gave way unto my return. This, if it be true, cannot have happened without some endeavour of your honour; and, therefore, howsoever I have not been particularly advertised that your honour had delivered my letter to his grace; yet now methinks I do as good as know it, and dare adventure to present you with my humblest thanks for the favour. But the main point is, how his majesty should be moved; wherein my friends are straining courtesy; and unless I have your honour for a master of the ceremonies to take order, who shall begin, all the benefit, that I can reap by this negotiation, will be to have the reputation of little judgment in attempting that which I was not able to obtain; and that howsoever I have shot fair, I know not how to hit the mark. I have been directed by my Lord Roos, who was the first mover of this stone, to write a letter, which himself would deliver to the Master of the Horse,‡ who doth me the honour to wish me very well: and I have obeyed his lordship, and beseech your honour, that you will be pleased to prevent, or to accompany, or second it with your commendation, lest otherwise the many words that I have used have but the virtue of a single 0, or cipher. But, indeed, if I had not been overweighed by the

* Sir Francis Bacon was sworn at Greenwich of the privy council, June 9, 1616.

† Grandson of John, the first Lord Petre, and son of William, second baron of that name.

‡ Sir George Villiers, who was appointed to that office, January 4, 1615-6.

authority of my Lord Roos's commandment, I should rather have reserved the master of the horse's favour to some other use afterward. In conformity whereof I have also written to his lordship, and perhaps he will thereupon forbear to deliver my letter to the master of the horse: whereas I should be the less sorry if your honour's self would not think it inconvenient to make the suit of my return to his majesty; in which case I should, to my extreme contentment, have all my obligations to your honour only.

His majesty's being now in progress, will give some impediment to my suit, unless either it be my good fortune that your honour do attend his person, or else that you will be pleased to command some one of the many servants your honour hath in court, to procure the expedition of my cause; wherein I can foresee no difficulty, when I consider the interest which your honour alloweth me in your favour, and my innocent carriage abroad for so many years; whereunto all his majesty's ministers, who have known me, I am sure, will give an attestation, according to the contents of my letter, to his Grace of Canterbury.

If I durst, I would most humbly entreat your honour to be pleased, that some servant of yours may speedily advertise me, whether or no his Grace of Canterbury hath received my letter; what his answer was; and what I may hope in this my suit. I remember, that the last words which I had the honour to hear from your mouth, were, that if I continued any time free both from disloyalty and priesthood, your honour would be pleased to make yourself the intercessor for my return. Any letter sent to Mr. Trumball for me will come safely and speedily to my hands.

The term doth now last with your honour all the year long, and therefore the sooner I make an end, the better service I shall do you. I presume to kiss your hands, and continue

Your honour's most entirely, and
humbly ever at commandment,
TOBIE MATTHEWS.

Spa, this 16th of July, *stylo novo*, 1616.

P. S. It is no small penance, that I am forced to apparel my mind in my man's hand, when it speaks to your honour. But God Almighty will have it so, through the shaking I have in my right hand; and I do little less than want the use of my forefinger.

TO SIR FRANCIS BACON, ATTORNEY-GENERAL.

IT MAY PLEASE YOUR HONOUR,

I presumed to importune your honour with a letter of the 16th of this month, whereby I signified how I had written to the master of the horse, that he would be pleased to move his majesty for my return into England; and how that I had done it upon the direction of my Lord Roos, who offered to be the deliverer thereof. Withal I told your honour that I expressed thereby an act rather of obedience than prudence, as not holding his lordship a fit man, whom by presenting that letter the king might peradventure discover to be my favourer in this business. In regard whereof I besought him, that howsoever I had complied with his command in writing, yet he would forbear the delivery: and I gave him divers reasons for it. And, both in contemplation of those reasons, as also of the hazard of miscarriage that letters do run into between these parts and those, I have now thought fit to send your honour this enclosed, accompanied with a most humble entreaty that you will be pleased to put it into the master of the horse's hands, with such a recommendation as you can give. Having read it, your honour may be pleased to seal it; and if his honour have received the former by other hands, this may serve in the nature of a duplicate or copy: if not, it may be the original; and, indeed, though it should be but the copy, if it may be touched by your honour, it would have both greater grace and greater life than the principal itself; and, therefore, howsoever, I humbly pray, that this may be delivered.

If my business should be remitted to the council-table (which yet I hope will not be) I am most a stranger to my lord chancellor and my lord chamberlain,* of whom yet I trust, by means of your honour's good word in my behalf, that I shall receive no impediment.

The bearer, Mr. Becher,† can say what my carriage hath been in France, under the eye of several ambassadors; which makes me the more glad to use him in the delivery of this letter to your honour: and if your honour may be pleased to command me any thing, he will convey it to my knowledge.

I hear to my unspeakable joy of heart, how much power you have with the master of the horse; and how much immediate favour you have also with his most excellent majesty: so that I cannot but hope for all good success, when I consider withal the protection whereinto you have been pleased to take me, the

Most humble and most obliged of
your honour's many servants,
TOBIE MATTHEW.

Spa, this last of July, *stylo novo*, 1616.

TO SIR FRANCIS BACON, ATTORNEY-GENERAL.

MAY IT PLEASE YOUR HONOUR,

I have been made happy by your honour's noble and dear lines of the 22d of July: and the joy that I took therein was only kept from excess

* William, Earl of Pembroke.

† William, afterwards knighted. He had been secretary to Sir George Calvert, ambassador to the court of France, and was afterwards agent at that court; and at last made clerk of the council.

by the notice they gave me of some intentions and advices of your honour, which you have been pleased to impart to others of my friends, with a meaning, that they should acquaint me with them; whereof they have entirely failed. And, therefore, if still it should import me to understand what they were, I must be enforced to beg the knowledge of them from yourself. Your honour hath by this short letter delivered me otherwise from a great deal of laborious suspense; for, besides the great hope you give me of being so shortly able to do you reverence, I am come to know, that by the diligence of your favour towards me, my Lord of Canterbury hath been drawn to give way, and the master of the horse hath been induced to move. That motion, I trust, will be granted, howsoever; but I should be out of fear thereof, if, when he moves the king, your honour would cast to be present; that if his majesty should make any difficulty, some such reply as is wont to come from you in such cases may have power to discharge it.

I have been told rather confidently than credibly, (for in truth I am hardly drawn to believe it,) that Sir Henry Goodere should underhand (upon the reason of certain accounts that run between him and me, wherein I might justly lose my right, if I had so little wit as to trouble your honour's infinite business by a particular relation thereof) oppose himself to my return, and perform ill offices, in conformity of that unkind affection which he is said to bear me; but, as I said, I cannot absolutely believe it, though yet I could not so far despise the information, as not to acquaint your honour with what I heard. I offer it not as a ruled case, but only as a query, as I have also done to Mr. Secretary Lake, in this letter, which I humbly pray your honour may be given him, together with your best advice, how my business is to be carried in this conjuncture of his majesty's drawing near to London, at which time I shall receive my sentence. I have learned from your honour to be confident, that it will be pronounced in my favour: but, if the will of God should be otherwise, I shall yet frame for myself a good proportion of contentment; since, howsoever, I was so unfortunate, as that I might not enjoy my country, yet, withal, I was so happy, as that my return thither was desired and negotiated by the affection, which such a person as yourself vouchsafed to bear me. When his majesty shall be moved, if he chance to make difficulty about my return, and offer to impose any condition, which it is known I cannot draw myself to digest, I desire it may be remembered, that my case is common with many of his subjects, who breathe in the air of their country, and that my case is not common with many, since I have lived so long abroad with disgrace at home; and yet have ever been free, not only from suspicion of practice, but from the least dependence upon foreign princes. My king is wise, and I hope that he hath this just mercy in store for me. God Almighty make and keep your honour ever happy, and keep me so in his favour, as I will be sure to continue

Your honour's ever most obliged
and devoted servant,
TOBIE MATTHEW.

Antwerp, this first of Sept., *stylo novo*, 1616.

P. S., MAY IT PLEASE YOUR HONOUR,

I have written to Sir John Digby; and I think he would do me all favour, if he were handsomely put upon it. My lady of Pembroke hath written, and that very earnestly, to my lord chamberlain in my behalf.

This letter goes by Mr. Robert Garret, to whom I am many ways beholden, for making me the best present that ever I received, by delivering me your honour's last letter.

SIR FRANCIS BACON TO THE KING.

MAY IT PLEASE YOUR EXCELLENT MAJESTY,

Because I have ever found, that in business the consideration of persons, who are *instrumenta animata*, is no less weighty than of matters, I humbly pray your majesty to peruse this enclosed paper, containing a diligence which I have used *in omnem eventum*. If Towerson,* as a passionate man, have overcome himself in his opinion, so it is. But if his company make this good, then I am very glad to see in the case wherein we now stand, there is this hope left, and your majesty's honour preserved in the *entier*. God have your majesty in his divine protection.

Your majesty's most devoted
and most bounden servant, &c.

This is a secret to all men but my lord chancellor; and we go on this day with the new company without discouraging them at all.

September 18, 1616.

Endorsed,

To the king, upon Towerson's propositions about the cloth business.

RICHARD MARTIN, ESQ.† TO SIR FRANCIS BACON.

RIGHT HONOURABLE,

By attendance at court two days (in vain, considering the end of my journey,) was no loss

* Whose brother, Captain Gabriel Towerson, was one of the English merchants executed by the Dutch at Amboyna, in 1623.

† Born about 1570, entered a commoner of Broad-gate's Hall, now Pembroke College, Oxford, in 1585, whence he removed to the Middle Temple. In the Parliament of 1601, he served for the borough of Barnstable in Devon; and in the first Parliament of King James I. he served for Cirencester in Gloucestershire. He was chosen recorder of London in September, 1618; but died in the last day of the following month. He was much esteemed by the men of learning and genius of that age.

unto me, seeing thereby I made the gain of the overture and assurance of your honour's affection. These comforts have given new life and strength to my hopes, which before began to faint. I know what your honour promiseth you will undertake, and what you undertake, you seldom fail to compass; for such proof of your prudence and industry your honour hath of late times given to the swaying world. There is, to my understanding, no great intricacy in my affair, in which I plainly descry the course to the shore I would land at; to which neither I nor any other can attain without the direction of our great master pilot, who will not stir much without the beloved mate sound the way. Both these, none can so well set awork as yourself, who have not only their ear, but their affection, and that with good right, as I hope in time, to good and public porpose. It is fit likewise that your honour know all my advantages. The present incumbent is tied to me by firm promise, which gives an impediment to the competitors, whereof one already, according to the heaviness of his name and nature, *petit deorsum.* And though I be a bad courtier, yet I know the style of gratitude, and shall learn as I am instructed; whatsoever your honour shall undertake for me, I will make good; therefore I humbly and earnestly entreat your best endeavour, to assure to yourself and your master a servant, who both can and will, though as yet mistaken, advance his honour and service with advantage. Your love and wisdom is my last address; and on the real nobleness of your nature (whereof there is so good proof) stands my last hope. If I now find a stop, I will resolve it is *fatum Carthaginis*, and sit down in perpetual peace. In this business I desire all convenient silence; for though I can endure to be refused, yet it would trouble me to have my name blasted. If your honour return not, and you think it requisite, I will attend at court. Meantime, with all humble and hearty wishes for increase of all happiness, I kiss your honour's hands.

Your honour's humbly at command,

R. Martin.

September 27, 1616

Endorsed,

To the Right Honourable Sir Francis Bacon, knight, his majesty's attorney-general, and one of his majesty's most honourable privy council, my singular patron at court.

TO SIR FRANCIS BACON, ATTORNEY-GENERAL.*

Sir,—I have kept your man here thus long, because I thought there would have been some occasion for me to write after Mr. Solicitor-General's being with the king. But he hath received so full instruction from his majesty, that there is nothing left for me to add in the business. And so I rest

Your faithful servant,

George Villiers.

Royston, the 13th of October, 1616.

Endorsed,

To the Right Honourable Sir Francis Bacon, knight, one of his majesty's privy council, and his attorney-general.

SIR EDMUND BACON* TO SIR FRANCIS BACON, ATTORNEY-GENERAL.

My Lord,—I am bold to present unto your hands, by this bearer, whom the law calls up, some salt of wormwood, being uncertain whether the regard of your health makes you still continue the use of that medicine. I could wish it otherwise; for I am persuaded that all diuretics, which carry with them that punctuous nature and caustic quality by calcination, are hurtful to the kidneys, if not enemies to the other principal parts of the body. Wherein, if it shall please you, for your better satisfaction, to call the advice of your learned physicians, and that they shall resolve of any medicine for your health, wherein my poor labour may avail you, you know where your faithful apothecary dwells, who will be ready at your commandment; as I am bound both by your favours to myself, as also by those to my nephew, whom you have brought out of darkness into light, and, by what I hear, have already made him, by your bounty, a subject of emulation to his elder brother. We are all partakers of this your kindness towards him; and, for myself, I shall be ever ready to deserve it by any service that shall lie in the power of

Your lordship's poor nephew,

Edm. Bacon.

Redgrave, this 19th of October, 1616.

Endorsed,

For the Right Honourable Sir Francis Bacon, knight, his majesty's attorney-general, and one of his most honourable privy counsellors, be these delivered at London.

TO THE KING.†

May it please your excellent Majesty,

My continual meditations upon your majesty's service and greatness, have, amongst other things,

* Harl. MSS. vol. 7006.

* Nephew of Sir Francis Bacon, being eldest son of Sir Nicholas Bacon, eldest son of Sir Nicholas Bacon, Lord Keeper of the Great Seal. Sir Edmund died without issue, April 10, 1649 There are several letters to him from Sir Henry Wotton, printed among the works of the latter.

† His majesty had begun his journey towards Scotland, on the 14th of March, 1616-7.

produced this paper enclosed,* which I most humbly pray your majesty to excuse, being that which, in my judgment, I think to be good both *de vero*, and *ad populum*. Of other things, I have written to my Lord of Buckingham. God forever preserve and prosper your majesty.

Your majesty's humble servant,
most devoted and most bounden,
FR. BACON.

March 23, 1616.

Endorsed,

My lord keeper to his majesty, with some additional instructions for Sir John Digby.

TO THE LORD KEEPER.†

MY HONOURABLE LORD,

Whereas, the late lord chancellor thought it fit to dismiss out of the chancery a cause touching Henry Skipwith, to the common law, where he desireth it should be decided; these are to entreat your lordship‡ in the gentleman's favour, that if the adverse party shall attempt to bring it now back again into your lordship's court, you would not retain it there, but let it rest in the place where now it is, that, without more vexation unto him in posting him from one to another, he may have a final hearing and determination thereof. And so I rest

Your lordship's ever at command,
G. BUCKINGHAM.

My lord, this is a business wherein I spake to my lord chancellor, whereupon he dismissed the suit.

Lincoln, the 4th of April, 1617.

THE LORD KEEPER TO HIS NIECE, TOUCHING HER MARRIAGE.

GOOD NIECE,—Amongst your other virtues, I know there wanteth not in you a mind to hearken to the advice of your friends. And, therefore, you will give me leave to move you again more seriously than before in the match with Mr. Comptroller.* The state wherein you now are is to be preferred before marriage, or changed for marriage, not simply the one or the other, but according as, by God's providence, the offers of marriage are more or less fit to be embraced. This gentleman is religious, a person of honour, being counsellor of state, a great officer, and in very good favour with his majesty. He is of years and health fit to be comfortable to you, and to free you of burdensome cares. He is of good means, and a wise and provident man, and of a loving and excellent good nature; and, I find, hath set his affections upon you; so as I foresee you may sooner change your mind, which, as you told me, is not yet towards marriage, than find so happy a choice. I hear he is willing to visit you before his going into France, which, by the king's commandment, is to be within some ten days: and I could wish you used him kindly, and with respect. His return out of France is intended before Michaelmas. God direct you, and be with you. I rest

Your very loving uncle and assured friend,
FR. BACON.

Dorset House, this 28th of April, 1617.

---

* *Additional instructions to Sir John Digby,*—[ambassador to the court of Spain:]—

Besides your instructions directory to the substance of the main errand, we would have you in the whole carriage and passages of the negotiation, as well with the king himself, as the Duke of Lerma, and council there, intermix discourse upon fit occasions, that may express ourselves to the effect following:

That you doubt not, but that both kings, for that which concerns religion, will proceed sincerely, both being entire and perfect in their own belief and way. But that there are so many noble and excellent effects, which are equally acceptable to both religions, and for the good and happiness of the Christian world, which may arise of this conjunction, as the union of both kings in actions of state, as may make the difference in religion as laid aside, and almost forgotten.

As, first, that it will be a means utterly to extinguish and extirpate pirates, which are the common enemies of mankind, and do so much infest Europe at this time.

Also, that it may be a beginning and seed (for the like actions heretofore have had less beginnings) of a holy war against the Turk; whereunto it seems the events of time do invite Christian kings, in respect of the great corruption and relaxation of discipline of war in that empire; and much more in respect of the utter ruin and enervation of the Grand Signor's navy and forces by sea; which openeth a way (with congregating vast armies by land) to suffocate and starve Constantinople, and thereby to put those provinces into mutiny and insurrection.

Also, that by the same conjunction there will be erected a tribunal or prætorian power, to decide the controversies which may arise amongst the princes and estates of Christendom, without effusion of Christian blood; for so much as any estate of Christendom will hardly recede from that which the two kings shall mediate and determine.

Also, that whereas there doth, as it were, creep upon the ground, a disposition, in some places, to make popular estates and leagues to the disadvantage of monarchies, the conjunction of the two kings will be able to stop and impedite the growth of any such evil.

These discourses you shall do well frequently to treat upon, and therewithal to fill up the spaces of the active part of your negotiation; representing that it stands well with the greatness and majesty of the two kings to extend their cogitations and the influence of their government, not only to their own subjects, but to the state of the whole world besides, specially the Christian portion thereof.

† Harl. MSS vol. 7006.

‡ This is the first of many letters which the Marquis of Buckingham wrote to Lord Bacon in favour of persons who had causes depending in, or likely to come into the court of Chancery. And it is not improbable that such recommendations were considered in that age as less extraordinary and irregular than they would appear now. The marquis made the same kind of applications to Lord Bacon's successor, the Lord Keeper Williams, in whose life, by Bishop Hacket, part i p 107, we are informed, that "there was not a cause of moment, but, as soon as it came to publication, one of the parties brought letters from this mighty peer, and the Lord Keeper's patron.

* Sir Thomas Edmondes, who had been appointed to that office, December 21, 1616, and January 19, 1617–8, was made treasurer of the household. He had been married to Magdalen, one of the daughters and coheirs of Sir John Wood, knight, clerk of the signet, which lady died at Paris, December 31, 1614.

The proposal for a second marriage between him and the lord keeper's niece does not appear to have had success.

TO THE LORD KEEPER.*

MY HONOURABLE LORD,

I have acquainted his majesty with your letters, who liked all your proceedings well, saving only the point, for which you have since made amends, in obeying his pleasure touching the proclamation. His majesty would have your lordship go thoroughly about the business of Ireland, whereinto you are so well entered, especially at this time, that the chief justice† is come over, who hath delivered his opinion thereof to his majesty, and hath understood what his majesty conceived of the same: wherewith he will acquaint your lordship, and with his own observation and judgment of the businesses of that country.

I give your lordship hearty thanks for your care to satisfy my Lady of Rutland's‡ desire; and will be as careful, when I come to York, of recommending your suit to the bishop.§ So I rest

Your lordship's ever at command,
G. BUCKINGHAM.

Newark, the 5th of April, 1617.

TO THE LORD KEEPER.||

MY HONOURABLE LORD,

I spake at York with the archbishop,¶ touching the house, which he hath wholly put into your hands to do with it what your lordship shall be pleased.

I have heretofore, since we were in this journey, moved his majesty for a despatch of my Lord Brackley's** business: but, because his majesty never having heard of any precedent in the like case, was of opinion, that this would be of ill consequence in making that dignity as easy as the pulling out of a sword to make a man a knight, and so make it of little esteem, he was desirous to be assured, first, that it was no new course, before he would do it in that fashion. But since he can receive no assurance from your lordship of any precedent in that kind, his majesty intendeth not so to precipitate the business, as to expose that dignity to censure and contempt, in omitting the solemnities required, and usually belonging unto it.

His majesty, though he were a while troubled with a little pain in his back, which hindered his hunting, is now, God be thanked, very well, and as merry as ever he was; and we have all held out well.

I showed his majesty your letter, who taketh very well your care and desire to hear of his health. So I commit you to God, and rest

Your lordship's most assured friend
to do you service,
G. BUCKINGHAM.

Aukland, the 18th of April, 1617.

Since the writing of this letter I have had some farther speech with his majesty, touching my Lord Brackley; and find, that if, in your lordship's information in the course, you write any thing that may tend to the furthering of the despatch of it in that kind, he desireth it may be done.

* Harl. MSS vol 7006.

† Sir John Denham, one of the Lords Justices of Ireland in 1616. He was made one of the Barons of the Exchequer in England, May 2, 1617. He died, January 6, 1638, in the eightieth year of his age. He was the first who set up customs in Ireland. (not but there were laws for the same before;) of which the first year's revenue amounted but to 500*l.*; but before his death, which was about twenty-two years after, they were let for 54,000*l.* per annum.—*Borlase's Reduction of Ireland to the Crown of England*, p. 200. Edit. London, 1675.

‡ Frances, Countess of Rutland, first wife of Francis, Earl of Rutland, and daughter and coheir of Sir Henry Knevet, of Charleton, in Wiltshire, knight. She had by the earl an only daughter and heir, Catharine, first married to George Marquis, and afterwards Duke of Buckingham; and secondly to Randolph Macdonald, Earl, and afterwards Marquis, of Antrim, Ireland.

§ Relating to York House.

|| Harl. MSS vol. 7006

¶ Dr. Tobie Matthew.

** Who desired to be created earl in an unusual manner, by letters patents, without the delivering of the patent by the king's own hand, or without the ordinary solemnities of creation. He was accordingly created Earl of Bridgewater, May 27, 1617.

TO THE LORD KEEPER.*

MY HONOURABLE LORD,

I send your lordship the warrant for the queen,† signed by his majesty, to whom I have likewise delivered your lordship's letter. And, touching the matter of the pirates, his majesty cannot yet resolve; but within a day or two your lordship shall see a despatch, which he purposeth to send to the lords of his council in general, what his opinion and pleasure is in that point.

I would not omit this opportunity to let your lordship know, that his majesty, God be thanked, is in very good health, and so well pleased with his journey, that I never saw him better nor merrier. So I rest

Your lordship's ever at command,
G. BUCKINGHAM.

From Newcastle, the 23d of April, 1617.

TO THE LORD KEEPER.

MY HONOURABLE LORD,

I understand that Sir Lewis Tresham hath a suit depending in the Chancery before your lordship; and, therefore, out of my love and respect toward him, I have thought fit to recommend him unto your favour so far only as may stand with justice and equity, which is all he desireth, having to encounter a strong party. And, because

* Harl. MSS. vol. 7006.

† Relating to her house. See the lord keeper's letter of April 7, 1617, printed in his works.

he is shortly to go into Spain about some other business of his own, I farther desire your lordship to give him what expedition you can, that he may receive no prejudice by his journey.

Your lordship's ever at command,

G. BUCKINGHAM.

Endorsed—May 6, 1616.

TO THE LORD KEEPER.*

MY HONOURABLE LORD,

I have, by reports, heard that which doth much grieve and trouble me, that your lordship hath, through a pain in one of your legs, been forced to keep your chamber. And, being desirous to understand the true estate of your health, which reports do not always bring, I entreat your lordship to favour me with a word or two from yourself, which, I hope, will bring me the comfort I desire, who cannot but be very sensible of whatsoever happeneth to your lordship, as being

Your lordship's most affectionate
to do you service,

G. BUCKINGHAM.

From Edinburgh, the 3d of June, 1617.

His majesty, God be thanked, is very well, and safely returned from his hunting journey.

TO THE EARL OF BUCKINGHAM.

MY VERY GOOD LORD,

This day I have made even with the business of the kingdom for common justice; not one cause unheard; the lawyers drawn dry of all the motions they were to make; not one petition unanswered. And this, I think, could not be said in our age before. This I speak, not out of ostentation, but out of gladness, when I have done my duty. I know men think I cannot continue if I should thus oppress myself with business: but that account is made. The duties of life are more than life; and if I die now, I shall die before the world be weary of me, which, in our times, is somewhat rare. And all this while I have been a little unperfect in my foot. But I have taken pains more like the beast with four legs than like a man with scarce two legs. But if it be a gout, which I do neither acknowledge, nor much disclaim, it is a good-natured gout; for I have no rage of it, and it goeth away quickly. I have hope it is but an accident of changing from a field air† to a Thames air;‡ or rather, I think, it is the distance of the king and your lordship from me, that doth congeal my humours and spirits.

When I had written this letter, I received your lordship's letter of the third of this present, wherein your lordship showeth your solicitous care of my health, which did wonderfully comfort me. And it is true, that at this present I am very well, and my supposed gout quite vanished.

I humbly pray you to commend my service, infinite in desire, howsoever limited in ability, to his majesty, to hear of whose health and good disposition is to me the greatest beatitude which I can receive in this world. And I humbly beseech his majesty to pardon me, that I do not now send him my account of council business, and other his royal commands, till within these four days; because the flood of business of justice did hitherto wholly possess me; which, I know, worketh this effect, as it contenteth his subjects, and knitteth their hearts more and more to his majesty, though, I must confess, my mind is upon other matters, as his majesty shall know, by the grace of God, at his return. God ever bless and prosper you.

Your lordship's true and most
devoted friend and servant,

FR. BACON.

Whitehall, this 8th of June, 1617

TO THE LORD KEEPER.

MY HONOURABLE LORD,

Your lordship will understand, by Sir Thomas Lake's letter, his majesty's directions touching the surveyor's deputy of the Court of Wards. And though I assure myself of your lordship's care of the business, which his majesty maketh his own: yet, my respect to Sir Robert Naunton* maketh me add my recommendation thereof to your lordship, whom I desire to give all the furtherance and assistance you can to the business, that no prejudice or imputation may light upon Sir Robert Naunton, through his zealous affection to attend his majesty in this journey.

I will not omit to let you know, that his majesty is very well, and receiveth much contentment in his journey. And with this conclusion I rest

Your lordship's most affectionate
to do you service,

G. BUCKINGHAM.

Edinburgh, the 11th of June, 1617.

TO THE LORD VISCOUNT FENTON.†

MY VERY GOOD LORD,

I thank your lordship for your courteous letter; and, if I were asked the question, I would always

* Harl. MSS. vol. 7006.

† Gray's Inn.

‡ Dorset House, originally belonging to the Bishops of Salisbury, afterwards the house of Sir Richard Sackville, and then of his son, Sir Thomas, Earl of Dorset, and lord treasurer.

* Surveyor of the Court of Wards.

† Sir Thomas Erskine, who, for his service to the king, in the attempt of the Earl of Gowry, was, upon his majesty's accession to the throne of England, made captain of his guard in the room of Sir Walter Ralegh. He was afterwards created Earl of Kelly.

choose rather to have a letter of no news; for news imports alteration; but letters of kindness and respect bring that which, though it be no news amongst friends, is more welcome.

I am exceedingly glad to hear, that this journey of his majesty, which I never esteemed more than a long progress, save that it had reason of state joined with pleasure, doth sort to be so joyful and so comfortable.

For your Parliament, God speed it well: and for ours, you know the sea would be calm, if it were not for the winds: and I hope the king, whensoever that shall be, will find those winds reasonably well laid. Now that the sun is got up a little higher, God ordains all things to the happiness of his majesty and his monarchy.

My health, I thank God, is good; and I hope this supposed gout was but an incomer. I ever rest

Your lordship's affectionate
and assured friend,
FR. BACON.

Whitehall, June 18, 1617.

TO THE LORD KEEPER, WRITTEN FROM SCOTLAND, JUNE 28, 1618 *

I WILL begin to speak of the business of this day; *opus hujus diei in die suo*, which is of the Parliament. It began on the 7th of this month, and ended this day, being the 28th of June. His majesty, as I perceived by relation, rode thither in great state the first day. These eyes are witnesses that he rode in an honourable fashion, as I have seen him in England, this day. All the lords rode in English robes; not an English lord on horseback, though all the Parliament House at his majesty's elbow, but my Lord of Buckingham, who waited upon the king's stirrup in his collar, but not in his robes. His majesty, the first day, by way of preparation to the subject of the Parliament, made a declaratory speech, wherein he expressed himself what he would not do, but what he would do. The relation is too prolix for a sheet of paper; and I am promised a copy of it, which I will bring myself unto your lordship with all the speed I may. But I may not be so reserved as not to tell your lordship, that in that speech his majesty was pleased to do England and Englishmen much honour and grace; and that he studied nothing so much, sleeping and waking, as to reduce the barbarity (I have warrant to use the king's own word) of this country unto the sweet civility of ours; adding, farther, that if the Scottish nation would be as docible to learn the goodness of England, as they are teachable to limp after their ill, he might with facility prevail in his desire: for they had learned of the English to drink healths, to wear coaches and gay clothes, to take tobacco, and to speak neither Scottish nor English. Many such diseases of the times his majesty was pleased to enumerate, not fit for my pen to remember, and graciously to recognise how much he was beholden to the English nation for their love and conformity to his desires. The king did personally and infallibly sit amongst them of the Parliament every day; so that there fell not a word amongst them but his majesty was of council with it.

The whole assembly, after the wonted manner, was abstracted into eight bishops, eight lords, eight gentlemen, knights of the shires, and eight lay burgesses for towns. And this epitome of the whole Parliament did meet every day in one room to treat and debate of the great affairs of the kingdom. There was exception taken against some of the Lower House, which were returned by the country, being pointed at as men averse in their appetites and humours to the business of the Parliament, who were deposed of their attendance by the king's power, and others, better affected, by the king's election, placed in their room.

The greatest and weightiest articles, agitated in this Parliament, were specially touching the government of the kirk and kirkmen, and for the abolishing of hereditary sheriffs to an annual charge; and to enable justices of the peace to have as well the real execution as the title of their places. For now the sheriff doth hold *jura regalia* in his circuit, without check or controlment; and the justices of the peace do want the staff of their authority. For the church and commonwealth, his majesty doth strive to shape the frame of this kingdom to the method and degrees of the government of England, as by reading of the several acts it may appear. The king's desire and travail herein, though he did suffer a momentary opposition, (for his countrymen will speak boldly to him,) hath in part been profitable. For, though he hath not fully and complementally prevailed in all things, yet, he hath won ground in most things, and hath gained acts of parliament to authorize particular commissioners, to set down orders for the church and churchmen, and to treat with sheriffs for their offices, by way of pecuniary composition. But all these proceedings are to have an inseparable reference to his majesty. If any prove unreasonably and undutifully refractory, his majesty hath declared himself, that he will proceed against him by the warrant of the law, and by the strength of his royal power.

His majesty's speech this day had a necessary connexion with his former discourse. He was pleased to declare what was done and determined in the progress of this Parliament; his reasons for it; and that nothing was gotten by shouldering or wrestling, but by debate, judgment, and reason, without any interposition of his royal power in any thing. He commanded the lords in state of judicature to give life, by a careful

* From a copy in the paper-office.

execution unto the law, which otherwise was but *mortuum cadaver et bona peritura.*

Thus much touching the legal part of my advertisement unto you. I will give your lordship an account in two lines of the complement of the country, time, and place.

The country affords more profit and better contentment than I could ever promise myself by my reading of it.

The king was never more cheerful in body and mind, never so well pleased; and so are the English of all conditions.

The entertainment very honourable, very general, and very full: every day feasts and invitations. I know not who paid for it. They strive, by direction, to give us all fair contentment, that we may know that the country is not so contemptible, but that it is worth the cherishing.

The lord provost of this town, who in English is the mayor, did feast the king and all the lords this week; and another day all the gentlemen. And, I confess, it was performed with state, with abundance, and with a general content.

There is a general and a bold expectation, that Mr. John Murray shall be created a baron of this country, and some do chat, that my Lord of Buckingham's Mr. Wray shall be a groom of the bed-chamber in his place.

There hath been yet no creation of lords since his majesty did touch Scotland; but of knights many, yet not so many as we heard in England; but it is thought all the pensioners will be knights to-morrow. Neither are there any more English lords sworn of the privy council here, save my Lord of Buckingham.

The Earl of Southampton, Montgomery, and Hay, are already gone for England.

I have made good profit of my journey hither; for I have gotten a transcript of the speech which your lordship did deliver at your first and happy sitting in Chancery, which I could not gain in England. It hath been showed to the king, and received due approbation. The God of heaven, all-wise and all-sufficient, guard and assist your lordship in all your actions: for I can read here whatsoever your lordship doth act there; and your courses be such as you need not to fear to give copies of them. But the king's ears be wide and long, and he seeth with many eyes. All this works for your honour and comfort. I pray God nothing be soiled, heated, or cooled in the carriage. Envy sometimes attends virtue, and not for good; and these bore certain proprieties and circumstances inherent to your lordship's mind; which men may admire, I cannot express. But I will wade no farther time herein, lest I should seem eloquent. I have been too saucy with your lordship, and held you too long with my idleness. He that takes time from your lordship robs the public. God give your body health, and your soul heaven.

My Lord of Pembroke, my Lord of Arundel, my Lord Zouch, and Mr. Secretary Lake, were new sworn of the council here.

TO THE EARL OF BUCKINGHAM.

MY VERY GOOD LORD;

I have sent enclosed a letter to his majesty concerning the strangers; in which business I had formerly written to your lordship a joint letter with my Lord of Canterbury, and my lord privy seal,* and Mr. Secretary Winwood.

I am, I thank God, much relieved with my being in the country air, and the order I keep; so that, of late years, I have not found my health better.

Your lordship writeth seldomer than you were wont; but when you are once gotten into England you will be more at leisure. God bless and prosper you.

Your lordship's true and devoted
friend and servant,
FR. BACON.

Gorhambury, July 29, 1617.

TO THE LORD KEEPER †

MY HONOURABLE LORD,

I have acquainted his majesty with your letter, who, in this business of Sir John Bennet's,‡ hath altogether followed your lordship's direction.

His majesty hath at length been pleased to despatch Mr. Lowder,§ according to your lordship's desire, for the place in Ireland. What the cause of the stay was, I shall impart to your lordship when I see you, being now too long to relate.

His majesty hath not yet had leisure to read the little book you sent me to present unto him; but, as soon as I see the fittest opportunity, I will offer it to him again.

His majesty, God be thanked, is very well; and I am exceeding glad to hear of your health, that you are of so good term proof, which is the best of it, being you are in those businesses put most to the trial, which I wish may long continue in that strength, that you may still do his majesty and your country that good service, whereof we

* Edward, Earl of Worcester.

† Harl. MSS. vol. 7006.

‡ Of Godstow, in Oxfordshire, who was sent to Brussels to the archduke, to expostulate with him concerning a libel on the king, imputed to Erycius Puteanus, and entitled, *Isaaci Casauboni Corona Regia*

§ He had been solicitor to the queen, but finding her dislike to him, he was willing to part with his place for that of one of the barons of the exchequer in Ireland; for which he was recommended by the lord keeper to the Earl of Buckingham, in a letter dated at Whitehall, May 25, 1617.

hear so general approbation that it much rejoiceth me, who rest

Your lordship's, ever at command,

G. Buckingham.

Falkland, the 5th of July, 1617.

TO THE LORD KEEPER.

My Lord:—I have received your lordship's letter by your man; but having so lately imparted my mind to you in my former letters, I refer your lordship to those letters without making a needless repetition, and rest

Your lordship's at command,

G. Buckingham.

Ashton, the 25th of Aug. 1617.

Endorsed.

To my honourable lord, Sir Francis Bacon, Knight, Lord Keeper of the Great Seal of England.

TO THE EARL OF BUCKINGHAM.

My very good Lord,

I have reformed the ordinance according to his majesty's corrections, which were very material. And for the first of *phrasis non placet*, I understand his majesty, nay, farther, I understand myself, the better for it. I send your lordship therefore six privy seals; for every court will look to have their several warrant. I send also, two bills for letters patents, to the two reporters: and for the persons, I send also four names, with my commendations of those two, for which I will answer upon my knowledge. The names must be filled in the blanks; and so they are to be returned.

For the business of the Court of Wards, your lordship's letter found me in the care of it. Therefore, according to his majesty's commandment, by you signified, I have sent a letter for his majesty's signature. And the directions themselves are also to be signed. These are not to be returned to me, lest the secret come out; but to be sent to my Lord of Wallingford, as the packets use to be sent.

I do much rejoice, to hear of his majesty's health and good disposition. For me, though I am incessantly in business, yet the reintegration of your love, maketh me find all things easy.

God preserve and prosper you.

Your lordship's true friend,

and devoted servant,

Fr. Bacon.

York House, October 18, 1617.

TO THE LORD KEEPER.

My honourable Lord,

His majesty hath spent some time with Sir Lionel Cranfield, about his own business, wherewith he acquainted his majesty. He hath had some conference with your lordship, upon whose report to his majesty of your zeal and care of his service, which his majesty accepteth very well at your hands, he hath commanded Sir L. Cranfield to attend your lordship, to signify his farther pleasure for the furtherance of his service; unto whose relation I refer you. His majesty's farther pleasure is, you acquaint no creature living with it, he having resolved to rely upon your care and trust only.

Thus, wishing you all happiness, I rest

Your lordship's faithful friend

and servant,

G. Buckingham.

October 26, 1617.

SIR FRANCIS ENGLEFYLD* TO THE LORD KEEPER.

Right Honourable,

Give me leave, I beseech your lordship, for want of other means, by this paper to let your lordship understand, that notwithstanding I rest in no contempt, nor have to my knowledge broken any order made by your lordship, concerning the trust, either for the payment of money, or assignment of land; yet, by reason of my close imprisonment, and the unusual carriage of this cause against me, I can get no counsel who will, in open court, deliver my case unto your lordship. I must, therefore, humbly leave unto your lordship's wisdom, how far your lordship will, upon my adversary's fraudulent bill, exhibited by the wife without her husband's privity, extend the most powerful arm of your authority against me, who desire nothing but the honest performance of a trust, which I know not how to leave if I would. So, nothing doubting but your lordship will do what appertaineth to justice, and the emi-

* This gentleman was very unfortunate in his behaviour, with regard to those who had the great seal; for in Hilary Term, of the year 1623-4, he was fined three thousand pounds by the Star Chamber, for casting an imputation of bribery on the Lord Keeper Williams, Bishop of Lincoln. MS. letter of Mr. Chamberlain, to Sir Dudley Carleton, dated at London, 1623-4. Sir Francis had been committed to the Fleet for a contempt of a decree in Chancery; upon which he was charged, by Sir John Bennet, with having said before sufficient witness, "that he could prove this holy bishop judge had been bribed by some that fared well in their causes." A few days after the sentence in the Star Chamber, the lord keeper sent for Sir Francis, and told him he would refute his foul aspersions, and prove upon him that he scorned the pelf of the world, or to exact, or make lucre, of any man; and that, for his own part, he forgave him every penny of his fine, and would crave the same mercy towards him from the king.—Bishop Hacket's Life of Archbishop Williams, Part I., p. 83, 84.

nent place of equity your lordship holdeth, I must, since I cannot understand from your lordship the cause of my late close restraint, rest, during your lordship's pleasure,

Your lordship's close prisoner in the Fleet,

FR. ENGLEFYLD.

Oct. 28, 1617.

TO THE LORD KEEPER.

MY HONOURABLE LORD,

I have thought good to renew my motion to your lordship, in the behalf of my Lord of Huntingdon, my Lord Stanhope, and Sir Thomas Gerard; for that I am more particularly acquainted with their desires; they only seeking the true advancement of the charitable uses, unto which the land, given by their grandfather, was intended: which, as I am informed, was meant by way of a corporation, and by this means, that it might be settled upon the schoolmaster, usher, and poor, and the coheirs to be visitors. The tenants might be conscionably dealt withal; and so it will be out of the power of any feoffees to abuse the trust; which, it hath been lately proved, have been hitherto the hindrance of this good work. These coheirs desire only the honour of their ancestor's gift, and wish the money, misemployed and ordered to be paid into court by Sir John Harper, may rather be bestowed by your lordship's discretion for the augmentation of the foundation of their ancestors, than by the censure of any other. And so I rest

Your lordship's servant,

G. BUCKINGHAM.

Theobalds, November 12

Endorsed,—1617.

TO THE LORD KEEPER.†

MY HONOURABLE LORD,

Though I had resolved to give your lordship no more trouble in matters of controversy depending before you, with what importance soever my letters had been, yet the respect I bear unto this gentleman hath so far forced my resolution, as to recommend unto your lordship the suit, which, I am informed by him, is to receive a hearing before you on Monday next, between Barneby Leigh and Sir Edward Dyer, plaintiffs, and Sir Thomas Thynne,‡ defendant; wherein I desire your lordship's favour on the plaintiffs so far only as the justice of their cause shall require. And so I rest

Your lordship's faithful servant,

G. BUCKINGHAM.

Newmarket, the 15th of November.

Endorsed, 1617.

* Harl. MSS. vol. 7006. † Ibid.

‡ Eldest son of Sir John Thynne, knight, who died, November 21, 1604. This Sir Thomas's younger son by his first wife, Mary, daughter of George, Lord Audley, was father of Thomas Thynne, Esq.; assassinated by the followers of Count Conigsmark, February 12, 1682-3.

TO THE LORD KEEPER.*

MY HONOURABLE LORD,

The certificate being returned upon the commission touching Sir Richard Haughton's alum mines, I have thought fit to desire your lordship's furtherance in the business, which his majesty (as your lordship will see by his letter) much affecteth as a bargain for his advantage, and for the present relief of Sir Richard Haughton. What favour your lordship shall do him therein I will not fail to acknowledge, and will ever rest

Your lordship's faithful servant,

G. BUCKINGHAM.

Endorsed,

Received, November 16, 1617.

TO THE LORD KEEPER.†

MY HONOURABLE LORD,

I have acquainted his majesty with your lordship's letter, who liketh well of the judges' opinion you sent unto him, and hath pricked the sheriff of Buckinghamshire in the roll you sent, which I returned signed unto your lordship.

His majesty takes very well the pains you have taken in sending to Sir Lionel Cranfield; and desireth you to send to him again, and to quicken him in the business.

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

His majesty liketh well the course taken about his household, wherewith he would have your lordship, and the rest of his council, to go forward.

Newmarket, the 17th November, 1617.

Endorsed,

My Lord of Buckingham showing his majesty's approbation of the courses held touching the household.

TO THE EARL OF BUCKINGHAM.‡

MY VERY GOOD LORD,

The last letter of my lord's, whereof the conclusion, indeed, is a little blunt, as the king calleth it, was concluded in my absence, which hath been but once since I came to this town; and brought me by the clerk of the council, as I sat in Chancery. Whereupon I retired to a little closet I have there, and signed it, not thinking fit to sever.

For my opinion, I despatched it the morrow following. And till Sir Lionel Cranfield§ be

* Harl. MSS. vol. 7006. † Ibid.

‡ In answer to his lordship's letter from Newm[illegible], November 19, 1617, printed in Lord Bacon's Works.

§ He was originally a merchant in the city of London, introduced to the king's knowledge by the Earl of Northampton, and into his service by the Earl of Buckingham, being [t]he great projector for reforming the king's household, ad[va]ncing the customs, and other services; for which he was [m]ade lord treasurer, Baron Cranfield, and Earl of Middlesex; [bu]t being accused by the House of Commons for misdemean[our]s in his office, he had a severe sentence passed upon him by the lords in 1624.

able to execute his part in the sub-commission, it will, in my opinion, not be so fit to direct it. He crept to me yesternight, but he is not well. I did his majesty's message to him touching the tobacco; and he said he would give his majesty very real and solid satisfaction touching the

This is all for the present I shall trouble your lordship withal, resting ever

Your lordship's true friend and devoted servant,

FR. BACON.

November 20, 1617.

TO THE LORD KEEPER.*

MY HONOURABLE LORD,

His majesty liketh very well of the draught your lordship sent of the letter for the sub-commission, and hath signed it as it was, without any alteration, and sent it to the lords. Which is all I have to write at this time, but that I ever rest your lordship's faithful friend and servant,

G. BUCKINGHAM.

Newmarket, the 2d of December, 1617.

TO THE LORD KEEPER.†

MY HONOURABLE LORD,

His majesty hath been pleased to refer a petition of one Sir Thomas Blackstones to your lordship, who being brother-in-law to a gentleman whom I much respect, Sir Henry Constable, I have, at his request, yielded to recommend his business so far to your lordship's favour, as you shall find his case to deserve compassion, and may stand with the rules of equity. And so I rest

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

Newmarket, the 4th of December.

Endorsed, 1617.

TO THE EARL OF BUCKINGHAM.

MY VERY GOOD LORD,

Your lordship may marvel, that together with the letter from the board, which you see passed so well, there came no particular letter from myself; wherein, though it be true, that now this very evening I have made even with the causes of Chancery, and comparing with the causes heard by my lord,‡ that dead is, of Michaelmas term was twelvemonth, I find them to be double so many and one more; besides that the causes that I despatch do seldom turn upon me again, as his many times did; yet, nevertheless, I do assure your lordship, that should have been excuse to me, who shall ever assign both to the causes of the subject, yea, and to my health, but the leavings of times after his majesty's business done. But the truth is, I could not speak with Sir Lionel Cranfield, with whom of necessity I was to confer about the names, till this afternoon.

First, therefore, I send the names by his advice, and with mine own good allowance of those, which we wish his majesty should select; wherein I have had respect somewhat to form, more to the avoiding of opposition, but most to the service.

Two most important effects his majesty's letter hath wrought already: the one, that we perceive his majesty will go through stitch, which goeth to the root of our disease. The other, that it awaketh the particular officers, and will make their own endeavours and propositions less perfunctory, and more solid and true for the future. Somewhat is to be done presently, and somewhat by seasonable degrees. For the present my advice is, his majesty would be pleased to write back to the table, that he doth well approve that we did not put back or retard the good ways we were in of ourselves; and that we understood his majesty's right: that his late direction was to give help, and not hindrance to the former courses; and that he doth expect the propositions we have in hand, when they are finished: and that for the sub-commissions, he hath sent us the names he hath chosen out of those by us sent and propounded; and that he leaveth the particular directions from time to time, in the use of the sub-commissioners, wholly to the table.

This I conceive to be the fairest way; first to seal the sub-commission without opening the nature of their employments, and without seeming that they should have any immediate dependence upon his majesty, but merely upon the table.

As for that which is to be kept in breast, and to come forth by parts, the degrees are these:

First, to employ the sub-commissioners in the reconsidering of those branches, which the several officers shall propound.

Next, in taking consideration of other branches of retrenchment, besides those which shall be propounded.

The third, to take into consideration the great and huge arrears and debts in every office; whether there be cause to abate them upon deceit or abuse; and at least how to settle them best, both for the king's honour, and avoiding of clamour, and for the taking away, as much as may be, that same ill influence and effect, whereby the arrear past destroys the good husbandry and reformation to come.

The fourth is to proceed from the consideration of the retrenchments and arrears to the improvements.

* Harl. MSS. vol. 7006. † Ibid.

‡ Chancellor Ellesmere.

All these four, at least the last three, I wish not to be stirred in till his majesty's coming.

God ever preserve and prosper you.

Your lordship's true friend
and devoted servant,
FR. BACON.

Your lordship will be pleased to have a little care of the bestowing of this letter.

York House, this 6th of December, 1617.

TO THE LORD KEEPER.

MY LORD,—I have received so many letters lately from your lordship, that I cannot answer them severally: but the ground of them all being only this, that your lordship feareth I am so incensed against you that I will hearken to every information that is made unto me; this one letter may well make answer unto them all. As his majesty is not apt to give ear to any idle report against men of your place; so for myself, I will answer that it is far from my disposition to take any advantage in that kind. And for your lordship's unkind dealing with me in this matter of my brother's, time will try all. His majesty hath given me commandment to make this answer in his name to your letter to him, that he needeth not to make any other answer to you, than that which in that letter you make to yourself, that you know his majesty to be so judicious, that whatsoever he heareth, he will keep one ear open to you; which being indeed his own princely disposition, you may be assured of his gracious favour in that kind.

I will not trouble your lordship with any longer discourse at this time, being to meet you so shortly, where will be better trial of all that hath passed, than can be made by letters. So I rest

Your lordship's at command,
G. BUCKINGHAM.

Warwick, Sept. 5, 1617.

THE EARL OF BUCKINGHAM TO THE LORD KEEPER, SIR FRANCIS BACON.*

MY LORD,—I have made his majesty acquainted with your note concerning that wicked fellow's speeches, which his majesty contemneth, as is usual to his great spirit in these cases. But notwithstanding his majesty is pleased that it shall be exactly tried whether this foul-mouthed fellow was taken either with drunkenness or madness, when he spake it. And as for your lordship's advice for setting up again the commissioners for suits, his majesty saith, there will be time enough for thinking upon that, at his coming to Hampton Court.

But his majesty's direction, in answer of your letter, hath given me occasion to join hereunto a discovery upon the discourse you had with me this day.* For I do freely confess, that your offer of submission unto me, and in writing, if so I would have it, battered so the unkindness that I had conceived in my heart for your behaviour towards me in my absence, as, out of the sparks of my old affection towards you, I went to sound his majesty's intention towards you, specially in any public meeting; where I found, on the one part, his majesty so little satisfied with your late answer unto him, which he counted (for I protest I use his own terms) confused and childish, and his rigorous resolution on the other part so fixed, that he would put some public exemplary mark upon you; as I protest the sight of his deep conceived indignation quenched my passion, making me upon the instant change from the person of a party into a peacemaker; so as I was forced upon my knees to beg of his majesty, that he would put no public act of disgrace upon you. And as I dare say, no other person would have been patiently heard in this suit by his majesty but myself; so did I (though not without difficulty) obtain thus much, that he would not so far disable you from the merit of your future service, as to put any particular mark of disgrace upon your person. Only thus far his majesty protesteth, that upon the conscience of his office he cannot omit (though laying aside all passion) to give a kindly reprimand at his first sitting in council, to so many of his counsellors, as were then here behind, and were actors in this business, for their ill behaviour in it. Some of the particular errors committed in this business he will name, but without accusing any particular persons by name.

Thus your lordship seeth the fruits of my natural inclination. I protest, all this time past it was no small grief unto me to hear the mouth of so many upon this occasion open to load you with innumerable malicious and detracting speeches, as if no music were more pleasing to my ear, than to rail of you: which made me rather regret the ill-nature of mankind, that, like dogs, love to set upon them that they see snatched at.

And to conclude, my lord, you have hereby a fair occasion so to make good hereafter your reputation, by your sincere service to his majesty, as also by your firm and constant kindness to your friends, as I may (your lordship's old friend) participate of the comfort and honour that will thereby come to you. Thus I rest at last

Your lordship's faithful friend and servant,
G. B.

The force of your old kindness hath made me set down this in writing unto you, which some, that have deserved ill of me in this action, would be glad to obtain by word of mouth, though they

* This seems to be the letter to which the lord keeper returned an answer, September 22, 1617, printed in his works.

* At Windsor, according to Sir Anthony Weldon, who may perhaps be believed in such a circumstance as this. See *Court and Character of King James I*, p. 122.

be far enough from it for aught I yet see. But I beseech your lordship to reserve this secretly to yourself only, till our meeting at Hampton Court, lest his majesty should be highly offended for a cause that I know.

Endorsed,

A letter of reconciliation from Lord Buckingham, after his majesty's return from Scotland.

TO THE LORD KEEPER.*

My honourable Lord,

Lest Mr. Secretary† should be come away before the delivery of this packet, I have thought fit to direct it to your lordship, with this letter to your lordship about the Court of Wards, and another to the lords from his majesty. Which is all I have now to write, but that I ever rest

Your lordship's faithful friend and servant,

G. Buckingham.

Newmarket, the 7th of December, 1617

TO THE LORD KEEPER.‡

My honourable Lord,

I have acquainted his majesty with your lordship's letter, who hath followed your directions therein, and written to the lords accordingly; which is all I have now to write to your lordship, but that I shall ever rest

Your lordship's faithful friend and servant,

G. Buckingham.

Newmarket, the 9th of December, 1617.

Endorsed,

My Lord of Buckingham to your lordship, showing the king's liking of your opinion and choice of names for sub-commission.

TO THE EARL OF BUCKINGHAM.

My very good Lord,

Your lordship's letters patents§ are ready. I would be glad to be one of the witnesses at the delivery; and, therefore, if the king and your lordship will give me leave, I will bring it to-morrow at any hour shall be appointed.

Your lordship's ever,

Fra. Bacon.

New Year's eve, 1617.

I was bold to send your lordship, for your new year's gift, a plain cap of essay, in token that if your lordship in any thing shall make me your sayman, I will be hurt before your lordship shall be hurt. I present therefore to you my best service, which shall be my all-year's gift.

TO THE EARL OF BUCKINGHAM.

My very good Lord,

Sir George Chaworth and I am agreed, so that now I shall retain the grace of my place, and yet be rewarded. The king hath no ill bargain; for, he hath four times as much as he was offered by Sir George, of increase; and yet I take upon me to content my servants, and to content him. Nevertheless, I shall think myself pleasured by his majesty, and do acknowledge, that your lordship hath dealt very honourably and nobly with me.

I send enclosed a letter, whereby your lordship signifieth his majesty's pleasure to me; and I shall make the warrant to Mr. Attorney. I desire it may be carried in privateness. I ever rest

Your lordship's true friend
and devoted servant,

Fr. Bacon.

This New Year's eve, 1617.

TO SIR JAMES FULLERTON.*

I presume to send his highness this pair of small candlesticks, that his light, and the light of his posterity upon the church and commonwealth, may never fail. I pray you do me the favour to present it to his highness, with my best and humblest service.

Your most affectionate
and assured friend,

Fr. Bacon, C. S.

TO THE LORD CHANCELLOR.†

My honourable Lord,

His majesty having given order to Mr. Solicitor‡ to acquaint your lordship with a business touching alehouses,§ that, upon consideration

* Harl MSS vol. 7006.

† Sir Thomas Lake; his colleague, Secretary Winwood, died October 27, 1617; and Sir Robert Naunton succeeded to the post of secretary, January 8, 1617-8, from that of Surveyor of the Court of Wards.

‡ Harl. MSS. vol. 7006.

§ For the title of Marquis of Buckingham to himself and the male heirs of his body.

* He had been surveyor of the lands to Prince Charles, when Duke of York; and was groom of the stole to him when king. He died in January, 1630-1.

† Harl. MSS. vol. 7006.

‡ Sir Thomas Coventry.

§ The lord chancellor, in his letter to the Marquis of Buckingham, dated January 25, 1617, printed in his works, has the following passage: "For the suit of the alehouses, which concerneth your brother, Mr. Christopher Villiers, and Mr. Patrick Maule, I have conferred with my lord chief justice and Mr. Solicitor thereupon, and there is a scruple in it, that it should be one of the grievances put down in Parliament: which, if it be, I may not, in my duty and love to you, advise you to deal in it; if it be not, I will mould in the best manner,

thereof, you might certify your opinion unto his majesty, whether it be fit to be granted or not; I have thought fit to desire your lordship to give it what favour and furtherance you may, if you find it reasonable, and not prejudicial to his majesty's service, because it concerneth Mr. Patrick Maule, and my brother, Christopher Villiers, whose benefit I have reason to wish and advance by any just courses. And so I rest

Your lordship's faithful servant,
G. BUCKINGHAM.

Royston, the 11th of Jan. 1617.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

Sir John Cotton† having acquainted me with a petition he intended to exhibit to his majesty, that, without any apparent fault committed by him, he was put from his office of *custos rotulorum*; I have persuaded him to forbear the presenting of his petition until I had written to your lordship, and received your answer. I have, therefore, thought fit to signify unto your lordship, that he is a gentleman of whom his majesty maketh good esteem, and hath often occasion to use his service; and, therefore, besides that he is a man of good years, and hath served long in the place, I know his majesty, out of these respects, will be loath he should receive any disgrace. I desire, therefore, to understand from your lordship the reasons of his remove, that, if I cannot give satisfaction to the gentleman himself, I may at least make answer to his majesty for that act of your lordship's, which is alleged to be very unusual, unless upon some precedent misdemeanor of the party. Thus, having in this point discharged my part in taking the best course I could, that no complaint should come against you to the king, I rest

Your lordship's faithful friend,
G. BUCKINGHAM.

Newmarket, the 16th of January, 1617.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I do not easily fail towards gentlemen of quality, to disgrace them. For, I take myself to have some interest in the good wills of the gentlemen of England, which I keep and cherish for his majesty's special service. And, for this gentleman, of whom you write, Sir John Cotton, I know no cause in the world why I should have displaced him, but that it was certified unto me, that it was his own desire to resign: wherein, if I was abused, I will restore him. But if he did consent, and, now it is done, changeth his mind, then I would be loath to disgrace the other, that is come in. Therefore, I pray your lordship, that I may know and be informed from himself, what passed touching his consent; and I will do him reason.

Thus, with my thanks to your lordship, I will ever rest

Your lordship's true friend
and most devoted servant,
FR. BACON, Canc.

January 20, 1617.

Endorsed,

To the Marquis of Buckingham, concerning Sir John Cotton's resigning the place of Custos Rotulorum of Cambridgeshire.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

Since I received your lordship's letter, Sir Lionel Cranfield being here, hath informed his majesty of the whole proceeding in his business of the household; which his majesty liketh very well, and is glad it is approved by your lordship, of whose care and pains therein he receiveth very good satisfaction.

In the business touching Sir John Cotton, your lordship dealeth as nobly as can be desired; and so, if it should come in question before his majesty, I would answer in your behalf. I leave Sir John Cotton to inform your lordship by his letter of the business, and ever rest

Your lordship's faithful servant,
G. BUCKINGHAM.

Newmarket, the 24th of January, 1617.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

I have been entreated by a gentleman, whom I much respect, to recommend to your lordship's favour Mr. John Huddy, between whom and Mr. Richard Huddy there is, as I am informed, a cause, to be heard before your lordship in the Chancery on Saturday next. My desire unto your lordship is, that you would show the said John Huddy what favour you lawfully may, and as his cause will bear, when it cometh before you, for my sake. Which I will not fail to acknowledge, ever resting

Your lordship's faithful servant
G. BUCKINGHAM.

Newmarket, the 28th of January, 1617.

and help it forward." A patent for licensing alehouses being afterwards granted to Sir Giles Mompesson and Sir Frances Mitchel, and greatly abused by them, they were punished for those abuses by the Parliament, which met January 30, 1620-1.

* Harl. MSS. vol. 7006.

† Of Landwade, in Cambridgeshire, knight. He served many years as knight of the shire for that county, and died in 1620, at the age of seventy-seven. His eldest son, Sir John Cotton, was created a baronet, July 14, 1641.

* Harl. MSS. vol. 7006.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

I understand that his majesty hath been pleased to refer a suit unto him by two of his servants, Robert Maxwell and John Hunt, for the making of sheriffs and escheators' patents, to your lordship's consideration. My desire unto your lordship on their behalf is, that you would show them thus much favour for my sake, as with as much expedition as may be, and your lordship's other occasions may permit, to certify your opinion thereof unto his majesty; which I will be ready to acknowledge, and ever rest

Your lordship's faithful servant,
G. BUCKINGHAM.

Newmarket, the 4th day of February, 1617.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

Though I had resolved not to write to your lordship in any matter between party and party; yet, at the earnest request of my noble friend, the Lord Norris, to whom I account myself much beholden, I could not but recommend unto your lordship's favour a special friend of his, Sir Thomas Monk, who hath a suit before your lordship in the Chancery† with Sir Robert Bassett; which, upon the report made unto me thereof, seemeth so reasonable, that I doubt not but the cause itself will move your lordship to favour him, if, upon the hearing thereof, it shall appear the same unto your lordship, as at the first sight it doth unto me. I therefore desire your lordship to show in this particular what favour you lawfully may, for my sake, who will account it as done unto myself; and will ever rest

Your lordship's faithful servant,
G. BUCKINGHAM.

Newmarket, the 4th day of Feb. 1617.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I have sent enclosed a letter to his majesty about the public charge I am to give the last Star Chamber day, which is this day sevennight, to the judges and justices before the circuits. I pray deliver it to his majesty with speed. I send also some papers appertaining to that business, which I pray your lordship to have in readiness, if his majesty call for them. I ever rest

Your lordship's true friend
and devoted servant,
FR. BACON, Canc.

February 6, 1617.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

His majesty marvelleth, that he heareth nothing of the business touching the gold and silver thread;† and therefore hath commanded me to write unto your lordship to hasten the despatch of it; and to give him as speedy an account thereof as you can. And so I rest

Your lordship's faithful servant,
G. BUCKINGHAM.

Newmarket, 7th of February.
Endorsed, 1617.

TO THE LORD CHANCELLOR.‡

MY HONOURABLE LORD,

I understand by this bearer, Edward Hawkins, how great pains your lordship hath taken in the business, which I recommended to you concerning him, and how favourably your lordship hath used him for my sake. For which I give your lordship many thanks, and will be ever ready to acknowledge your favour toward him by all the testimonies of

Your lordship's faithful friend,
G. BUCKINGHAM.

Theobalds, the 12th of February, 1617.

TO THE LORD CHANCELLOR.§

MY HONOURABLE LORD,

I have acquainted his majesty with your letter, who liketh well of the course you mention in the end of your letter, and will speak with you farther of it at his return to London. In the mean time, he would have your lordship give direction to the Master of the Rolls‖ and Mr. Attorney¶ to stay the examination. And so I rest

Your lordship's most assured
to do you service,
G. BUCKINGHAM.

Hampton Court, the 18th of March, 1617.

TO THE LORD CHANCELLOR OF IRELAND.**

MY LORD CHANCELLOR,

I will not have you account the days of my not answering your letter. It is a thing imposed upon the multitude of my business to lodge many things faithfully, though I make no present return. Your conjunction and good understanding with

* Harl. MSS. vol. 7006.

† Lord Bacon was afterwards accused by the House of Commons of having received of Sir Thomas Monk one hundred pieces; which he did not deny, but alleged, that it was after the suit was ended

* Harl. MSS. vol. 7006.

† A patent for the monopoly of which was granted to Sir Giles Mompesson and Sir Francis Mitchel, who were punished for the abuse of that patent by the Parliament, which met January 30, 1620-1.

‡ Harl. MSS. vol. 7006.

§ Ibid.

‖ Sir Julius Cæsar.

¶ Sir Henry Yelverton.

** Dr. Thomas Jones, Archbishop of Dublin, who died April 10, 1619.

the deputy I approve and commend; for I ever loved entire and good compositions, which was the old physic, better than fine separations.

Your friendly attributes I take as effects of affection; which must be causes of any good offices, wherewith I can requite you.

We conceive that kingdom is in growth. God send soundness to the increase; wherein I doubt not but your lordship will do your part. God keep you.

Your lordship's very loving friend,
FRA. BACON, Canc.

York House, April 15, 1618.

TO THE LORD CHIEF JUSTICE OF IRELAND.*

MY LORD CHIEF JUSTICE,

I thank you for your letter, and assure you, that you are not deceived, neither in the care I have of the public in that state, nor in my good wishes, and the effects thereof, when it shall lie in my power towards yourself.

I am glad to receive your testimony of my lord deputy, both because I esteem your judgment, and because it concurreth with my own.

The materials of that kingdom, which is trade and wealth, grow on apace. I hope the form, which giveth the best living of religion and justice, will not be behind, the rather by you, as a good instrument. I rest

Your lordship's assured friend,
FR. BACON, Canc.

York House, ** of April, 1618.

TO THE LORD CHANCELLOR.†

MY HONOURABLE LORD,

I will not go about to excuse mine own fault, by making you believe his majesty was backward in your business; but upon the first motion he gave me directions for it, which it was my negligence, as I freely confess, that I have no sooner performed, having not been slack in moving his majesty, but in despatching your man. All is done which your lordship desired; and I will give order, according to his majesty's directions, so that your lordship shall not need to trouble yourself any farther, but only to expect the speedy performance of his majesty's gracious pleasure.

I will take the first opportunity to acquaint his majesty with the other business, and will ever rest,

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Theobalds, the 8th of May, [1618.]

* Sir William Jones, to whom, upon his being called to that post, the lord keeper made a speech, printed in his works.
† Harl. MSS. vol. 7006.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

Whereas it hath pleased his majesty to recommend unto your consideration a petition exhibited by Mr. Fowle, together with the grievances and request for the rectifying of the work of gold and silver thread; and now understandeth that your lordship hath called unto you the other commissioners in that case, and spent some time to hear what the opposers could object, and perceiveth by a relation of a good entrance you have made into the business; and is now informed, that there remaineth great store of gold and silver thread in the merchants' hands, brought from foreign parts, besides that which is brought in daily by stealth, and wrought here by underhand workers; so that the agents want vent, with which inconveniences it seemeth the ordinary course of law cannot so well meet; and yet they are enforced, for freeing of clamour, to set great numbers of people on work; so that the commodity lying dead in their hands, will in a very short time grow to a very great sum of money. To the end, therefore, that the undertakers may not be disheartened by these wrongs and losses, his majesty hath commanded me to write unto your lordship, to the end you might bestow more time this vacation in prosecuting the course you have so worthily begun, that all differences being reconciled, the defects of the commission may be also amended, for prevention of farther abuses therein; so as the agents may receive encouragement to go on quietly in the work without disturbance. And I rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

From Bewly, the 20th day of Aug., 1618.

TO THE LORD CHANCELLOR.

MOST HONOURABLE LORD,

Herewithal, I presumed to send a note enclosed, both of my business in Chancery, and with my Lord Roos, which it pleased your lordship to demand of me, that so you might better do me good *in utroque genere*. It may please your lordship, after having perused it, to commend it over to the care of Mr. Meautys for better custody.

At my parting last from your lordship, the grief I had to leave your lordship's presence, though but for a little time, was such, as that being accompanied with some small corporal indisposition that I was in, made me forgetful to say that, which now for his majesty's service I thought myself bound not to silence. I was credibly informed and assured, when the Spanish ambassador went away, that howsoever Ralegh and the prentices† should fall out to be proceeded

* Harl. MSS. vol. 7006.
† Who, on the 12th of July, 1618, had insulted Gondomar,

withal, no more instances would be made hereafter on the part of Spain for justice to be done ever in these particulars: but that if slackness were used here, they would be laid up in the deck, and would serve for materials (this was the very word) of future and final discontentments. Now, as the humour and design of some may carry them towards troubling of the waters, so I know your lordship's both nature and great place require an appeasing them at your hands. And I have not presumed to say this little out of any mind at all, that I may have, to meddle with matters so far above me, but out of a thought I had, that I was tied in duty to lay thus much under your lordship's eye; because I know and consider of whom I heard that speech, and with how grave circumstances it was delivered.

I beseech Jesus to give continuance and increase to your lordship's happiness; and that, if it may stand with his will, myself may one day have the honour of casting some small mite into that rich treasury. So I humbly do your lordship reverence, and continue

The most obliged of your lordship's
many faithful servants,
TOBIE MATTHEW.

Nottingham, this 21st of August, 1618.

TO MR. (AFTERWARDS SIR) ISAAC WAKE, HIS MAJESTY'S AGENT AT THE COURT OF SAVOY.

MR. WAKE,—I have received some letters from you; and hearing from my Lord Cavendish* how well he affects you, and taking notice also of your good abilities and services in his majesty's affairs, and not forgetting the knowledge I had, when young, of your good father,† I thought myself in some measure tied not to keep from you my good opinion of you, and my desire to give you any furtherance in your fortunes and occasions, whereof you may take knowledge and liberty to use me for your good. Fare you well.

Your very loving friend,
FR. VERULAM,‡ Canc.

York House, this 1st of Sept., 1618.

TO THE LORD CHANCELLOR.§

MY HONOURABLE LORD,

His majesty is desirous to be satisfied of the fitness and conveniency of the gold and silver thread business; as also of the profit that shall any way accrue unto him thereby. Wherefore his pleasure is, that you shall, with all convenient speed, call unto you the Lord Chief Justice of the King's Bench,* the attorney-general,† and the solicitor,‡ and consider with them of every of the said particulars, and return them to his majesty, that thereupon he may resolve what present course to take for the advancement of the execution thereof. And so I rest

Your lordship's faithful servant,
G. BUCKINGHAM.

Theobalds, the 4th of Oct., 1618.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I send the commission for making Lincoln's Inn Fields into walks, for his majesty's signature. It is without charge to his majesty.

We have had my Lord of Ormonde§ before us. We could not yet get him to answer directly, whether he would obey the king's award or no. After we had endured his importunity and impertinences, and yet let him down to this, that his majesty's award was not only just and within his submission, but in his favour; we concluded in few words, that the award must be obeyed, and if he did refuse or impugn the execution of it in Ireland, he was to be punished by the justice of Ireland: if he did murmur or scandalize it here, or trouble his majesty any more, he was to be punished in England. Then he asked, whether he might be gone. For that, we told him, his majesty's pleasure was to be known.

Sir Robert Mansell hath promised to bring his summer account this day sevennight. God preserve and prosper you.

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

November 12, 1618

TO THE LORD CHANCELLOR.||

MY HONOURABLE LORD,

I send your lordship the commission signed by his majesty, which he was very willing to

the Spanish ambassador, on account of a boy's being hurt by him as he was riding. [*Camden, Annales Regis Jacobi I*, p. 33.] They were proceeded against by commissioners, at Guildhall, on Wednesday, the 12th of August following; seven being found guilty, and adjudged to six months' imprisonment, and to pay five hundred pounds apiece. Two others were acquitted. *MS. letter of Mr. Chamberlain to Sir Dudley Carleton, London, August* 15, 1618.

* William Cavendish, son and heir of William, created Baron Cavendish Hardwicke in Derbyshire, in May, 1605, and Earl of Devonshire, July 12, 1618.

† Arthur Wake, rector of Billing in Northamptonshire, master of the hospital of St. John in Northampton, and canon of Christ Church, Oxford.

‡ He had been created Lord Verulam on the 12th of July, 1618.

§ Harl MSS. vol. 7006.

* Sir Henry Montagu.

† Sir Henry Yelverton. ‡ Sir Thomas Coventry.

§ Walter, Earl of Ormonde, grandfather of James, the first Duke of Ormonde. This earl, upon the death of Thomas, Earl of Ormonde and Ossory, succeeding to those honours, should have inherited likewise the greatest part of the estate but his right was contested by Sir Richard Preston, Lord Dingwell, supported by the favour of King James I., who made an award, which Walter, Earl of Ormonde, conceiving to be unjust, refused to submit to, and was, by the king's order, committed to the Fleet, where he remained eight years before the death of that king; but in 1625 recovered his liberty

|| Harl. MSS. vol. 7006

despatch, as a business very commendable and worthy to be taken in hand.

For the Earl of Ormonde, his majesty made no other answer, but that he hopeth he is not so unmannerly, as to go away without taking leave of his majesty.

For Sir Robert Mansell's account, his majesty saith he is very slow, especially being but a summary account, and that he promised to bring it in before: and therefore would have him tied to the day he hath now set, without any farther delay.

This last his majesty commanded me to put in after I had written and signed my letter.

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

Royston, the 13th of November, 1618.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

Having formerly moved your lordship in the business of this bearer, Mr. Wyche, of whom, as I understand, your lordship hath had a special care to do him favour, according to the equity of his cause; now, seeing that the cause is shortly to be heard, I have thought fit to continue my recommendation of the business unto you, desiring your lordship to show what favour you lawfully may unto Mr. Wyche, according as the justness of the cause shall require: which I will acknowledge as a courtesy from your lordship, and ever rest

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

Newmarket, the 18th of November, 1618.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

I send your lordship the bill of the sheriff of Hereford and Leicester, pricked and signed by his majesty, who hath likewise commanded me to send unto your lordship these additions of instructions, sent unto him by the surveyor and receiver of the Court of Wards; wherein, because he knoweth not what to prescribe without understanding what objections can be made, his pleasure is, that your lordship advise and consider of them, and send him your opinion of them, that he may then take such course therein, as shall be fit.

His majesty commanded me to give you thanks for your care of his service; and so I rest

Your lordship's faithful servant,

G. BUCKINGHAM.

Newmarket, 22d of November.

Endorsed, 1618.

* Harl. MSS. vol. 7006.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

I have written a letter unto your lordship, which will be delivered unto you in behalf of Dr. Steward; and, besides, have thought fit to use all freedom with you in that, as in other things; and, therefore, have thought fit to tell you, that he being a man of very good reputation, and a stout man, that will not yield to any thing, wherein he conceiveth any hard course against him, I should be sorry he should make any complaint against you. And, therefore, if you can advise of any course, how you may be eased of that burden, and freed from his complaint, without show of any fear of him, or any thing he can say, I will be ready to join with you for the accomplishment thereof: and so, desiring you to excuse the long stay of your man, I rest

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

From Newmarket, 3d of December, 1618.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Yesternight we despatched the Lord Ridgeway's account. Good service is done. Seven or eight thousand pounds are coming to the king, and a good precedent set for accounts.

There came to the seal about a fortnight since a strange book passed by Mr. Attorney to one Mr. Hall; and it is to make subjects, (for so is denization,) and this to go to a private use, till some thousand pounds be made of it. The number one hundred denizens. And, whereas, all books of that nature had an exception of merchants, (which importeth the king not much in his customs only, for that is provided for in the book, but many other ways,) this takes in merchants and all. I acquainted the commissioners with it, and by one consent it is stayed. But let me counsel his majesty to grant forth a commission of this nature, so to raise money for himself, being a flower of the crown: and Hall may be rewarded out of it; and it would be to principal persons, that it may be carried with election and discretion, whom to admit to denization, and whom not. God ever bless and prosper you.

Your lordship's most faithful

and obliged friend and servant,

FR. VERULAM, Canc.

December 8, 1618.

TO THE LORD CHANCELLOR.†

MY HONOURABLE LORD,

I thank your lordship for the favour, which I understand Sir Francis Engelfyld hath received

* Harl. MSS. vol. 7006.
† Ibid.

from your lordship upon my last letter, whereunto I desire your lordship to add this one favour more, (which is the same that I understand your lordship granted him at Christmas last,) to give him liberty for the space of a fortnight, to follow his business in his own person; whereby he may bring it to the more speedy end, putting in security according to the ordinary course, to render himself prisoner again as soon as that time is expired: which is all that I desire for him, and in which I will acknowledge your lordship's favour towards him; and ever rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Newmarket, the 10th of December, 1618.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I send you herewith the copy of a letter which we, the commissioners for Ormonde's cause, have written to the Deputy of Ireland, according to his majesty's pleasure, signified by Sir Francis Blundell; which I humbly desire his majesty would peruse, that if it do not attain his meaning, as we conveyed it, we may second it with a new letter.

We have appointed Monday morning for these mint businesses, referred by his majesty to certain commissioners, and we will carry it *sine strepitu.*

The patent touching Guinea and Bynny for the trade of gold, stayed first by myself, and after by his majesty's commandment, we have now settled by consent of all parties.

Mr. Attorney, by my direction, hath made, upon his information exhibited into the Star Chamber, a thundering motion against the transportation of gold by the Dutch; which all the town is glad of; and I have granted divers writs of *ne exeat regnum,* according to his majesty's warrant.

Sir Edward Coke keeps in still, and we have miss of him; but I supply it as I may by my farther diligence. God ever bless you and keep you.

Your lordship's most faithful and
bounden friend and servant,
FR. VERULAM, Canc.

December 11, 1618.

I forget not your doctor's matter. I shall speak with him to-day, having received your lordship's letter; and what is possible shall be done. I pray pardon my scribbling in haste.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

I have acquainted your majesty with your letter, who is very well pleased with your care of his service, in making stay of the grant of denizens upon the reason you allege, whereof his majesty will speak farther with you at his return.

The letter, which you sent me about my Lord of Ormonde's son, is not according to his majesty's meaning; but I would have you frame another to my lord deputy to this purpose: "That his majesty having seen a letter of his to Sir Francis Blundell, advertising, that the Earl of Ormonde's son, and some other of his kindred, did victual and fortify their houses; his majesty hath thereupon commanded you to write unto him, that if the ground of information be true, (which he may best know,) that then he send for the said earl's son, and the principal of his kindred to appear before him: and if they appear, and give him satisfaction, it is well; but if they refuse to appear, or give him not satisfaction, though they appear; that then he assemble what forces he can, be they never so few, and go against them, that he may crush the rebellion in the egg."

I have remembered his majesty, as I promised your lordship, about the naming you for a commissioner to treat with the Hollanders: but, besides that you have so many businesses, both of the Star Chamber, and others in the term time, when this must be attended as well as in the vacation, whereby this would be either too great a toil to you, or a hindrance to his majesty's service; he thinketh it could not stand with the honour of your place to be balanced with those that are sent from the state, so far unequal to his majesty, and being themselves none of the greatest of the state. Therefore, his majesty holdeth it not fit or worthy of you to put you into such an employment, in which none of your predecessors, or any of the chief counsellors, have been ever used in this kind, but only in a treaty of marriage or conclusion of a peace; as when the Constable of Castile was here, when the commissioners on both sides had their authority under the great seal of either kingdom, with direct relation to their sovereigns, far differing from this commission, which is now given to these men, and whereunto his majesty is to frame the course of his. As for the part which concerneth Scotland, the choice hath not been made of the chancellor or Archbishop of St. Andrew's, but of men nearer the rank of those that come hither to treat. As yet his majesty delayeth to give any commission at all, because he would first be informed from the lords, both of the points and form of their commission, which his majesty hitherto understandeth to be, with authority to overrule and direct their merchants in what they shall think fit; which, if it be so, then his majesty holdeth it fit for his part, to appoint the whole body of the council with like power over his merchants. As for me, I shall be ever ready upon any occasion to show myself

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Newmarket, the 14th of December, 1618.

* Harl. MSS. vol. 7006.

TO THE LADY CLIFFORD.

MY VERY GOOD LADY AND COUSIN,

I shall not be wanting in any thing, that may express my good affection and wishes towards your ladyship, being so near unto me, and the daughter of a father, to whom I was in the passages of my fortune much obliged. So, with my loving commendations, in the midst of business, I rest

Your affectionate kinsman
and assured friend,
FR. VERULAM, Canc.

York House, this 25th of January, 1618.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

Lest my often writing may make your lordship conceive that this letter hath been drawn from you by importunity, I have thought fit, for preventing of any such conceit, to let your lordship know, that Sir John Wentworth, whose business I now recommend, is a gentleman whom I esteem in more than an ordinary degree. And therefore I desire your lordship to show him what favour you can, for my sake, in his suit, which his majesty hath referred to your lordship: which I will acknowledge as a courtesy unto me, and rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Newmarket, January 26, 1618.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

I being desired by a special friend of mine, to recommend unto your lordship's favour, the case of this petitioner, have thought fit to desire you, for my sake, to show him all the favour you may in this his desire, as you shall find it in reason to deserve; which I shall take as a courtesy from your lordship, and ever rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

I thank your lordship for your favour to Sir John Wentworth, in the despatch of his business.

Newmarket, March 15, 1616.

TO THE LORD CHANCELLOR.

MOST HONOURABLE LORD,

It may please your lordship, there was with me this day, one Mr. Richard White, who hath spent some little time at Florence, and is now gone into England. He tells me, that Galileo had answered your discourse concerning the flux and reflux of the sea, and was sending it unto me; but that Mr. White hindered him, because his answer was grounded upon a false supposition, namely, that there was in the ocean a full sea but once in twenty-four hours. But now I will call upon Galileo again. This Mr. White is a discreet and understanding gentleman, though he seem a little soft, if not slow; and he hath in his hands all the works, as I take it, of Galileo, some printed, and some unprinted. He hath his discourse of the flux and reflux of the sea, which was never printed; as also a discourse of the mixture of metals. Those which are printed, in his hand, are these: the *Nuncius sidereus; Macchie solari*, and a third *Delle Cose, che stanno su l'acqua*, by occasion of a disputation, that was amongst learned men in Florence, about that which Archimedes wrote, *de insidentibus humido.*

I have conceived that your lordship would not be sorry to see these discourses, of that man; and therefore I have thought it belonging to my service to your lordship, to give him a letter of this date, though it will not be there so soon as this. The gentleman hath no pretence or business before your lordship, but is willing to do your lordship all humble service; and, therefore, both for this reason, as also upon my humble request, I beseech your lordship to bestow a countenance of grace upon him. I am beholden to this gentleman; and, if your lordship shall vouchsafe to ask him of me, I shall receive honour by it. And I most humbly do your lordship's reverence.

Your lordship's most obliged servant,
TOBIE MATTHEW.

Brussels, from my bed, the 14th of April, 1619.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

His majesty hath commanded me to signify unto your lordship, that it is his pleasure you put off the hearing of the cause between Sir Arthur Manwaring and Gabriel Dennis, till toward the end of the term; because his majesty is graciously pleased to be at the hearing thereof himself. And so I rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Royston, April 13, 1619.

TO THE LORD CHANCELLOR, AND SIR LIONEL TANFIELD, LORD CHIEF BARON OF THE EXCHEQUER.*

MY LORDS,—His majesty having been moved by the Duke of Savoy's ambassador, in the

* Harl. MSS. vol. 7006.

* Harl. MSS. vol. 7006

behalf of Philip Bernardi, whom he is to send about some special employment over the seas, to the Duke of Savoy, that before his going, the business mentioned in this petition may be ended, hath commanded me to recommend the same unto your lordship's care, that with all expedition the cause may be heard and ended by your lordships, according to his majesty's reference; or left to the determination of the Court of Chancery, where it is depending, and where the party assureth himself of a speedy end.

And so I rest your lordship's
very assured friend at command,
G. BUCKINGHAM.

Royston, the 19th of April, 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I think fit to let your lordship understand what passed yesterday in the Star Chamber, touching Suffolk's* business.

There came to me the clerk of the court in the inner chamber, and told me that my Lord of Suffolk desired to be heard by his council, at the sitting of the court, because it was pen * * * him.

I marvelled I heard not of it by Mr. Attorney, who should have let me know as much, that I might not be taken on the sudden in a cause of that weight.

I called, presently, Mr. Attorney to me, and asked him whether he knew of the motion, and what it was, and how he was provided to answer it. He signified to me, that my lord would desire to have the commission for examinations in Ireland, to be returnable in Michaelmas term. I said it might not be, and presently drew the council, then present, to me, and made Mr. Attorney repeat to them the passages past, and settled it, that the commission should be returnable the first day of the next term, and then, republication granted, that it might, if accidents of wind and weather permit, come to hearing in the term. And, upon motion in open court, it was ordered accordingly.

God ever preserve and prosper you. I pray God this great easterly wind agree well with his majesty.

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

May 6, 1619.

Endorsed,

Sent by Sir Gilbert Houghton.

* Thomas Howard, Earl of Suffolk, who had been made lord treasurer in 1614. He was accused of several misdemeanors in that office, together with his lady, and Sir John Bingley, her ladyship's agent; and an information preferred against them all in the Star Chamber.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I am much bounden to his majesty, and likewise to your lordship. I see, by the late accesses I have had with his majesty, and now by his royal and real favour,* that he loveth me, and acknowledgeth me for the servant that I am, or desire to be. This, in me, must turn to a great alacrity to honour and serve him with a mind less troubled and divided. And, for your lordship, my affection may and doth daily receive addition, but cannot, nor never could, receive alteration. I pray present my humble thanks to his majesty; and I am very glad his health confirmeth; and I hope to see him this summer at Gorhambury; there is sweet air as any is. God preserve and prosper you both. I ever rest

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

May 9, 1619.

TO THE LORD CHANCELLOR.†

MY HONOURABLE LORD,

His majesty was pleased, at the suit of some who have near relation to me, to grant a license for transportation of butter out of Wales, unto one Lewis and Williams, who, in consideration that the patent should be passed in their names, entered into articles for the performance of certain conditions agreed upon between them, which, now that the patent is under the great seal, they utterly refuse to perform. My desire, therefore, to your lordship is, that you would call the said Lewis and Williams before you, with the other parties, or some of them, who shall be ready at all times to attend your lordship; and, out of your consideration of the matter, according to equity, to take such course therein, that either the said agreement may be performed, or that they which refuse it may receive no benefit of the patent; which, upon reason thereof, was passed in their names. And herein I desire your lordship to make what expedition you can; because, now is the season to make provision of the butter that, for this year, is to be transported, whereof they take advantage to stand out. And so I rest

Your lordship's faithful
friend and servant,
G. BUCKINGHAM.

Greenwich, May 14, 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Though it be nothing, and all is but duty, yet, I pray, show his majesty the paper enclosed, that

* Probably the grant made to him, about this time, of twelve hundred pounds a year.

† Harl. MSS. vol. 7006.

his majesty may see how careful his poor servant is, upon every emergent occasion, to do him what honour he can. The motion made in court by the king's sergeant, Crew,* that the declaration might be made parcel of the record, and that I hear otherwise of the great satisfaction abroad, encourageth me to let his majesty know what passed.

God ever preserve and prosper you both.

Your lordship's obliged friend
and faithful servant,
Fr. Verulam, Canc.

Endorsed,

June 29, 1619. My lord to my lord marquis, enclosing the form of a declaration used in point of acknowledgment in the Lady Exeter's† cause.

TO THE MARQUIS OF BUCKINGHAM.

I purposed to have seen you to-day, and receive your commandments before the progress; but I came not to London till it was late, and found you were gone before I came. Nevertheless, I would not fail to let your lordship understand, that, as I find every day more and more occasions whereby you bind me to you; so, this morning, the king of himself did tell me some testimony, that your lordship gave of me to his majesty even now, when you went from him, of so great affection and commendation, (for I must ascribe your commendation to affection, being above my merit,) as I must do contrary to that that painters do; for they desire to make the picture to the life, and I must endeavour to make the life to the picture, it hath pleased you to make so honourable a description of me. I can be but yours, and desire to better myself, that I may be of more worth to such an owner.

I hope to give the king a good account of my time this vacation.

If your lordship pass back by London, I desire to wait on you, and discourse a little with you: if not, my prayers shall go progress with you, and my letters attend you, as occasion serveth.

God ever preserve and prosper you.

Your lordship's most obliged
friend and faithful servant,
Fr. Verulam, Canc.

July 1, 1619.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

This day, according to the first appointment, I thought to have waited upon his majesty, and to have given him an account of my cares and preparations for his service, which is my progress. And, therefore, since his coming to Windsor is prolonged, I thought to keep day by letter, praying your lordship to commend my most humble service to his majesty, and to let him know, that since I see his majesty doth me the honour as to rely upon my care and service, I lose no time in that which may pertain thereunto. I see the straits, and I see the way out; and what lieth in one man, whom he hath made great, and trained, shall not be wanting. And, I hope, if God give me life for a year or two, to give his majesty cause to think of me seven years after I am dead.

I am glad the time approacheth, when I shall have the happiness to kiss his majesty's hands, and to embrace your lordship, ever resting

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

York House, Aug. 28, 1619.

TO THE LORD CHANCELLOR.*

My honourable Lord,

His majesty, upon a petition delivered by Mr. Thomas Digby, wherein he complaineth of great wrongs done unto him, hath been pleased, for his more speedy relief and redress, if it prove as he allegeth, to refer the consideration thereof unto your lordship. And, because he is a gentleman, whom I have long known and loved, I could not but add my desire to your lordship, that if you find he hath been wronged, you would do him so much favour, as to give him such remedy as the equity of his case may require. For which I will ever rest

Your lordship's faithful friend and servant,
G. Buckingham.

Royston, Oct 8, 1619

TO THE LORD CHANCELLOR.*

My honourable Lord,

I have acquainted his majesty with your letter, who hath given order to Mr. Secretary Calvert to signify his pleasure for the proceeding in that business, whereof you write, without any farther delay, as your lordship will more fully understand by Mr. Secretary, who for that purpose is to return to London against the day of hearing.

I have no answer to make to your former letter, and will add no more to this, but that his majesty hath a great confidence in your care of his service. And so I rest

Your lordship's faithful friend and servant,
G. Buckingham.

Royston, Oct. 10, 1619.

Endorsed,

Showing his majesty's acceptation of your lordship's care, in particular in the business against the Earl of Suffolk.

* Sir Randolph Crew, made Chief Justice of the King's Bench, January 26, 1624.

† Countess of Exeter, accused of incest and other crimes by the Lady Lake, wife of Secretary Lake, and their daughter the Lady Roos.

* Harl MSS. vol. 7006

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

After my last letter yesterday we entered into conference touching the Suffolk cause, myself, and the commissioners, and the two chief justices.* The fruit of this conference is, that we all conceive the proceedings against my lord himself to be not only just and honourable, but in some principal parts plausible in regard of the public; as, namely, those three points which touch upon the ordnance, the army of Ireland, and the money of the cautionary towns; and the two chief justices are firm in it.

I did also in this cause, by the assent of my lords, remove a part; for Mr. Attorney had laid it upon Serjeant Davies† to open the information, which is that which gives much life or coldness to the cause. But I will have none but trained men in this cause; and I cannot forget that the allotting of the opening of the information in this cause of the Dutch (I mean the main cause) to a mean fellow, one Hughes, did hurt, and was never well recovered.

By my next I will write of the king's estate: and I ever rest

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

October 14, 1619

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

This morning the duke‡ came to me, and told me the king's cause was yesterday left fair; and if ever there were a time of my Lord of Suffolk's submission, it was now; and that if my Lord of Suffolk should come into the Court and openly acknowledge his delinquency, he thought it was a thing considerable. My answer was, I would not meddle in it; and, if I did, it must be to dissuade any such course; for that all would be but a play upon the stage, if justice went not on in the right course. This I thought it my duty to let the king know by your lordship.

I cannot express the care I have had of this cause in a number of circumstances and discretions, which, though they may seem but small matters, yet they do the business, and guide it right.

God ever keep your lordship.

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

October 21, 1619.

* Sir Henry Montagu of the King's Bench, and Sir Henry Hobart of the Common Pleas

† Sir John Davies, author of *Nosce teipsum*, knighted in February, 1607-8, and made serjeant at law in 1612. He had been Attorney-General of Ireland.

‡ Lodowick, Duke of Lenox: he was created Duke of Richmond, May 17, 1623, and died February 11, 1623-4.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

I am doubly bounden to the king for his majesty's trust and acceptation; whereof the one I will never deceive; the other, though I cannot deserve, yet I will do my best, and perhaps as much as another man.

This day the evidence went well; for the solicitor* did his part substantially: and, a little to warm the business, when the misemployment of treasure, which had relation to the army of Ireland, I spake a word, that he that did draw or milk treasure from Ireland was handled, did not *emulgere*, milk money, but blood. But this is but one of the little things that I wrote of before.

The king, under pardon, must come hither with two resolutions; the one, to remit all importunity touching this cause to the lords in court of justice; the other, to pursue the designs first taken at Windsor, and then at Hampton Court, for his commission of treasury: wherein I do my part, and it is reasonably well; but better would it be if instruments were not impediments. I ever rest

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

October 27, Wednesday.

Friday will not end the business; for tomorrow will but go through with the king's evidence.

TO THE LORD CHANCELLOR.†

My honourable Lord,

This bearer, a Frenchman, belonging to the ambassador, having put an Englishman in suit for some matters between them, is much hindered and molested, by often removing of the cause from one court to another. Your lordship knows, that the French are not acquainted with our manner of proceedings in the law, and must therefore be ignorant of the remedy in such a case. His course was to his majesty; but I thought it more proper that your lordship would be pleased to hear and understand this case from himself, and then to advise and take order for his relief, as your lordship in your wisdom shall think fit. So, commending him to your honourable favour, I rest

Your lordship's faithful friend and servant,
G. Buckingham.

Royston, 27th of October, 1619.

Your lordship shall do well to be informed of every particular, because his majesty will have account of it at his coming.

* Sir Thomas Coventry, afterwards lord keeper of the great seal.

† Harl. MSS. vol. 7006

TO THE LORD CHANCELLOR.

My honourable Lord,

I have acquainted his majesty with your letter, who commanded me to give your lordship thanks for your speed in advertising those things that pass, and for the great care he seeth you ever have of his service.

I send your lordship back the bill of sheriffs for Sussex, wherein his majesty hath pricked the first, as your lordship wished.

His majesty would not have you omit this opportunity of so gross an oversight in the judges, to admonish them of their negligence in suffering such a thing to come to his majesty, which needed his amending afterwards; and, withal, to let them know, that his majesty observeth that every year they grow more and more careless of presenting fit men unto him for that place; and that you advise them to be more wary hereafter, that they may give his majesty better satisfaction. And so I rest

Your lordship's faithful friend and servant,

G. Buckingham.

Royston, November 14, 1619.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

This day afternoon, upon our meeting in council, we have planed those rubs and knots, which were mentioned in my last, whereof I thought good presently to advertise his majesty. The days hold without all question, and all delays diverted and quieted.

Sir Edward Coke was at Friday's hearing, but in his nightcap; and complained to me he was ambulent, and not current. I would be sorry he should fail us in this cause. Therefore, I desire his majesty to signify to him, by your lordship, (taking knowledge of some light indisposition of his,) how much he should think his service disadvantaged in this cause, if he should be at any day away; for then he cannot sentence.

By my next, I will give his majesty some account of the tobacco and the currants. I ever rest

Your lordship's most obliged friend
and faithful servant,

Fr. Verulam, Canc.

November 20, at evening, 1619.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

I know well his majesty taketh to heart this business of the Dutch,* as he hath great reason, in respect both of honour and profit. And because my first letter was written in the epitasis, or trouble of the business; and my second in the beginning of the catastrophe, or calming thereof, (wherein, nevertheless, I was fain to bear up strongly into the weather, before the calm followed,) and since every day hath been better and better, I thought good to signify so much, that his majesty may be less in suspense.

The great labour was to get entrance into the business; but now the portcullis is drawn up. And though, I must say, there were some blots in the tables, yet, by well playing, the game is good.

Roland is passing well justified; for both his credit is by very constant and weighty testimony proved, and those vast quantities, which were thought incredible, or at least improbable, are now made manifest truth.

Yet I find a little of the old leaven towards the first defendants, carried in this style and character: "I would this that appears now, had appeared at first. But this cometh of haste and precipitation;" and the like. But yet, I hope, the corruption and practice upon the *ore tenus*, and the rectifying of Rowland's credit, will satisfy my lords upon the former proofs. For I would be very sorry that these new defendants (which, except one or two, are the smaller flies) should be in the net, and the old defendants, which are the greater flies, should get through. God preserve you.

Your lordship's most obliged friend
and faithful servant,

Fr. Verulam, Canc.

November 26, 1619.

Endorsed,

Touching the Dutch business.

* Merchants, accused in the Star Chamber for exporting gold and silver coin.

TO THE LORD CHANCELLOR.*

My honourable Lord,

I do, from time to time, acquaint his majesty with your letters, wherein he ever perceiveth your vigilant care in any thing that concerneth his service; and hath commanded me to give you thanks in his name, who is sure your endeavours will never be wanting, when any thing is to be done for the advancement of his affairs.

According to your lordship's advice, his majesty hath written to the commissioners of the treasury, both touching the currants and the tobacco,† the plantation whereof his majesty is fully resolved to restrain; and hath given them order

* Harl. MSS vol 7006.

† Lord Bacon, in his letter of November 22, 1619, mentions that there was offered two thousand pounds increase yearly, for the tobacco, to begin at Michaelmas, as it now is, and three thousand pounds increase, if the plantations here within land be restrained.

forthwith to set out a proclamation to that effect; not intending in that point to stand upon any doubt of law, nor to expect the judges' interpretation; nor to allow any freehold in that case; but holding this the safest rule, *Salus reipublicæ suprema lex esto.* And so I rest

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

Newmarket, Nov. 27, 1619.

TO THE LORD CHANCELLOR *

MY HONOURABLE LORD,

I have presented both the submissions to his majesty. His answer is, he cannot alter that which was allowed of by the lords of the last Star Chamber day, except first they be acquainted with it, and the consent of the Lady Exeter be likewise had, because the decree doth necessarily require it. So I rest

Your lordship's humble servant,

G. BUCKINGHAM.

Endorsed,

Touching the submissions of Sir Thomas Lake and his lady.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I acquainted this day, the bearer with his majesty's pleasure, touching Lake's† submission; which, whether it should be done in person or in writing, his majesty signified his will thus: that it should be spared in open court, if my Lady of Exeter should consent, and the board think fit. The board liked it well, and appointed my Lord Digby, and Secretary Calvert, to speak with my lady, who returned her answer in substance, that she would, in this and all things, be commanded by his majesty: but if his majesty left it to her liberty and election, she humbly prayed to be excused. And though it was told her, that this answer would be cause that it could not be performed this term; yet she seemed willing rather it should be delayed, than dispensed with.

This day also Traske,‡ in open court, made a retractation of his wicked opinions in writing. The form was as good as may be. I declared to him, that this court was the judgment-seat; the mercy-seat was his majesty: but the court would commend him to his majesty: and I humbly pray his majesty to signify his pleasure speedily, because of the misery of the man; and it is a rare thing for a sectary, that hath once suffered smart and shame, to turn so unfeignedly, as he seemed to do.

God ever bless and keep you.

Your most obliged friend and faithful servant,

FR. VERULAM, Canc.

December 1, 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

On Friday I left London, to hide myself at Kew; for two months and a half together to be strongbent is too much for my bow. And yet, that the king may perceive, that in my times of leisure I am not idle, I took down with me Sir Giles Mompesson,* and with him I have quietly conferred of that proposition, which was given me in charge by his majesty, and after seconded by your lordship. Wherein I find some things I like very well, and some other, that I would set by. And one thing is much to my liking, that the proposition for bringing in his majesty's revenue with small charge is no invention, but was on foot heretofore in King Philip's and Queen Mary's time, and had a grave and mighty opinion for it. The rest I leave to his relation, and mine own attendance.

I hope his majesty will look to it, that the fines now to come in may do him most good. Both causes produce fines of one hundred and fourscore thousand pounds, whereof one hundred thousand may clear the anticipations; and then the assignations may pass under the great seal, to be enrollable; so as we shall need to think of nothing but the arrears in a manner, of which I wish the twenty thousand pounds to the strangers (with the interest) be presently satisfied. The remain

* Harl. MSS. vol. 7006.

† Sir Thomas Lake's.

‡ John Traske, a minister, who was prosecuted in the Star chamber for maintaining, as we find mentioned in the Reports of the Lord Chief Justice Hobart, p. 236, that the Jewish Sabbath ought to be observed and not ours; and that we ought to abstain from all manner of swine's flesh, and those meats which the Jews were forbidden in Leviticus, according to Bishop Andrews, in his speech in the Star Chamber on that occasion, printed among his lordship's works. Mr. Traske being examined in that court, confessed, that he had divulged those opinions, and had laboured to bring as many to them as he could; and had also written a letter to the king, wherein he seemed to tax his majesty with hypocrisy, and expressly inveighed against the bishops high commissioners, as bloody and cruel in their proceedings against him, and a papal clergy. He was sentenced to fine and imprisonment, not for holding those opinions, (for those were examinable in the Ecclesiastical Court, and not there,) but for making of conventicles and commotions, and for scandalizing the king, the bishops, and clergy. Dr. Fuller, in his *Church History of Britain*, book x. p. 77, § 61, mentions his having heard Mr. Traske preach, and remarks, that his *voice had more strength than any thing else he delivered;* and that after his recantation he relapsed, not into the same, but other opinions, *rather humorous than hurtful,* and died obscurely at Lambeth, in the reign of King Charles I.

* Who, in the parliament, which began, January 30, 1620-1, was sentenced to be degraded, and rendered incapable of bearing any office, for practising several abuses, setting up new inns and alehouses, and exacting great sums of money of the people, by pretence of letters patents granted him for that purpose. But he fled into foreign parts, finding himself abandoned by the Marquis of Buckingham, on whom he had depended for protection.

may serve for the king's present and urgent occasions. And if the king intend any gifts, let them stay for the second course, (for all is not yet done,) but nothing out of these, except the king should give me the twenty thousand pounds I owe Peter Vanbore out of his fine, which is the chief debt I owe. But this I speak merrily. I ever rest

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

Kew, December 12, 1619.

After I had written this letter, I received from your lordship, by my servant, his majesty's acceptation of my poor services; for which I pray your lordship to present to his majesty my most humble thanks. I have now other things in my mind for his majesty's service, that no time be lost.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

His majesty hath been pleased, out of his gracious care of Sir Robert Killigrew, to refer a suit of his, for certain concealed lands, to your lordship and the rest of the commissioners for the treasury; the like whereof hath been heretofore granted to many others. My desire to your lordship is, that, he being a gentleman whom I love and wish very well unto, your lordship would show him, for my sake, all the favour you can, in furthering his suit. Wherein your lordship shall do me a courtesy, for which I will ever rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Royston, December 15, 1619.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

I have acquainted his majesty with your letter, who for that business, whereof Mr. Chancellor of the Exchequer brought the message to his majesty to Theobalds, returned the answer by him. As for that, whereof Sir Giles Mompesson spake to your lordship, his majesty liketh very well, and so do all others with whom his majesty hath spoken of it; and, therefore, he recommendeth it to your care, not doubting but your lordship will give all your furtherance to it, being your own work, and so much concerning his majesty's honour and profit; and will speak farther with your lordship of it at his return to London.

For those other businesses of the Star Chamber, which his majesty hath recommended to your lordship, he hopeth you will keep the clock still going, his profit being so much interested therein, especially seeing Mr. Chancellor of the Exchequer* hath promised his majesty that he will be no more sick, whereby you shall have this comfort, that the burden will not lie upon your lordship alone.

The little leisure I had at Theobalds made me bring your man down hither for this answer, which I hope your lordship will excuse; and ever hold me for

Your lordship's faithful friend
and servant,
G. BUCKINGHAM.

Royston, 19th of Jan.
Endorsed, 1619.

* Harl. MSS. vol. 7006.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

In the midst of business, as in the midst of a way, one should not stay long, especially when I crave no direction, but only advertise.

This day we met about the commission, the commonwealth's commission, for the poor and vagabonds, &c. We have put it into an exceeding good way, and have appointed meetings once in fourteen days, because it shall not be aslack. I was glad to hear from the two chief justices, that whatsoever appears in the country to come from *primum mobile*, (that is, the king's care,) works better than if it came from the law. Therefore we have ordered that this commission shall be published in the several circuits in the charges of the judges. For the rest hereafter.

For the proposition of Sir Giles Mompesson we have met once. Exchequer-men will be exchequer-men still; but we shall do good.

For the account, or rather imparting, of the commissioners of treasury to the council, I think it will but end in a compliment. But the real care (and I hope good purpose) I will not give over, the better, because I am not alone.

For the Star Chamber business, I shall, as you write, keep the clock on going, which is hard to do, when sometimes the wheels are too many, and sometimes too few. But we shall do well, especially if those whom the king hath hitherto made bondmen, (I mean, which have given bonds for their fines,) he do not hereafter make freemen.

For Suffolk's business, it is a little strange, that the attorney made it a question to the commissioners of treasury, whether Suffolk should not be admitted to the lease of the extent of his own land, which is the way to encourage him not to pay his fine. But when it was told him, that the contrary course was held with the Earl of Northumberland, and that thereby he was brought to agree for his fine; then he turned, as his manner is.

* Sir Fulke Greville, who surrendered that office in September, 1621, being succeeded in it by Sir Richard Weston. He had been created Lord Brooke of Beauchamp's Court, Jan. 9, 1620-1.

For the errors, we have yet so much use of the service of Sir Henry Britten in bringing in the fines, (indeed more than of the attorney,) as we cannot, without prejudice to his majesty's service, enter yet into them; and, besides, Sir Edward Coke comes not abroad.

Mr. Kirkham hath communicated with me, as matter of profit to his majesty, upon the coals referred by his majesty to us of the treasury; wherein I hope we shall do good, the rather, because I am not alone.

The proclamation for light gold Mr. Secretary Calvert, I know, hath sent to his majesty; and therefore of that I say no more.

For the raising of silver by ordinance, and not by proclamation, and that for the time to come, we have given order to finish it. I hear a whispering, that thereupon the commissioners of the navy, the officers of the household, the wardrobe, may take occasion to break the book and the undertakings, because the prices may rise, which I thought good to signify to his majesty. And, to speak plainly, I fear more the pretence than the natural effect.

God evermore preserve your lordship. rest

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

January 20, 1619.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

I have acquainted his majesty with your letter, who is very well pleased therewith, finding in you a continual care of his service. In that point of the Star Chamber business, his majesty saith there is a mistaking: for he meant not the Dutchmen's business, but that motion which your lordship made unto him, of sitting in the Star Chamber about the commissions, which you had not leisure to read till he came down to Royston, and hath reason to give you thanks for it, desiring you to prepare it, and study the point, (of which he will speak more with you at his return to London,) being a matter worthy your thinking on, and his majesty's practice.

For the last point of your letter, his majesty saith it cannot but proceed of malice, that there should be any such plot, which he will not endure, but he will account those that whisper of it in that sort, enemies of his service; and will put them out of their places that practise it. And so I rest

Your lordship's faithful
friend and servant,
G. BUCKINGHAM.

Newmarket, Jan. 22, 1619.

* Harl. MSS. vol. 7006.

TO MR. SECRETARY CALVERT.

MR. SECRETARY,

I have received your letter of the 3d of this present, signifying his majesty's pleasure touching Peacock's* examinations, of which I will have special care.

My Lord Coke is come to town, and hath sent me word, he will be with me on Monday, though he be somewhat lame. Howsoever, the service shall be done.

I was made acquainted, by your letter to Secretary Naunton, with his majesty's dislike of the sending to him of the jolly letter from Zealand. I will now speak for myself, that when it was received, I turned to the master of the wards,† and said, "W[illegible] think you and I shall ever advise the king to do more for a Burlamachi, when he seeketh to his majesty by supplication and supplying the king at the first word, than for all the rest upon any bravados from the Burgomasters of Holland and Zealand:" who answered very honestly, that it was in the king's power to make them alter their style when he would. But when another of us said, we could not but in our own discharge send the king the letter, *scilicet negandum non fuit;* though indeed my way is otherwise.

I have at last recovered from these companions, Harrison and Dale, a copy of my Lord of Bangor's‡ book, the great one, and will presently set in hand the examinations. God keep you.

Your assured friend,
FR. VERULAM, Canc.

February 5, 1619.

TO THE KING.

MAY IT PLEASE YOUR MAJESTY,

Sir Edward Coke is now afoot, and, according to your command, signified by Mr. Secretary Calvert, we proceed in Peacock's examinations. For, although there have been very good diligence used, yet certainly we are not at the bottom; and he that would not use the utmost of his line to sound such a business as this, should not have due regard neither to your majesty's honour nor safety.

* He was a minister of the University of Cambridge. He was committed to the Tower for pretending that he had, by sorcery, infatuated the king's judgment, in the cause of Sir Thomas Lake.—*Camd. Annal. Regis Jacobi I.*, p. 54.

† Sir Lionel Cranfield.

‡ Dr. Lewis Bayly, born at Caermarthen in Wales, and educated in Exeter College, Oxford. He had been minister of Evesham in Worcestershire, and chaplain to Prince Henry, and rector of St. Matthew's, Friday street, in London. He was promoted to the bishopric of Bangor in 1616. On the 15th of July, 1621, he was committed to the Fleet, but on what account is not related by Camden, *Annales Regis Jacobi I.*, p 72, who mentions the circumstance of the bishop's imprisonment, but that he was soon after set at liberty. He was the author of the well known book, *The Practice of Piety.*

A man would think he were in Luke Hutton' case again; for, as my Lady Roos personated Luke Hutton, so it seemeth, Peacock personateth Atkins. But I make no judgment yet, but wil go on with all diligence; and, if it may not be done otherwise, it is fit Peacock be put to torture He deserveth it as well as Peacham did.

I beseech your majesty not to think I am more bitter because my name is in it; for, besides tha I always make my particular a cipher, when there is question of your majesty's honour and service, I think myself honoured for being brought into so good company. And as, without flattery, I think your majesty the best of kings, and my noble Lord of Buckingham the best of persons favoured; so I hope, without presumption, for my honest and true intentions to state and justice, and my love to my master, I am not the worst of chancellors. God ever preserve your majesty.

Your majesty's most obliged
and most obedient servant,
FR. VERULAM, Canc.

10th of February, 1619.

TO THE LORD CHANCELLOR.

MOST HONOURED LORD,

I presume now, after term, (if there be any such thing as an afterterm with your lordship,) to offer this enclosed paper* to your sight, concerning the Duke of Lerma; which, if your lordship have not already read, will not, I think, be altogether unpleasing, because it is full of particular circumstances. I know not how commonly it passeth up and down more or less. My friend, Mr. Gage, sent it me lately out of Spain. But, howsoever, I build upon a sure ground; for, though it should be vulgar, yet, for my desire to serve your lordship, I cannot demerit so much, as not to deserve a pardon at your lordship's most noble hand.

Before the departure of the Duke of Lerma from that court, there was written upon the gate for a pasquinade, that the house was governed *por el Padre, y el Hijo, y un Santo;* as, in Paris, about the same time, was written upon the Louvre gate, *C'est icy l'hostel des troys Roys;* for Luynes's brother is almost as great as himself. But, the while there is good store of kings now in Christendom, though there be one fewer than there was.

In Spain, there are very extraordinary preparations for a great armada. Here is lately in this court, a current speech, as that the enterprise (whatsoever it should have been) is laid wholly aside: but that were strange. Yet this is certain, that the forces of men, to the number of almost two thousand, which were to have gone into Spain from hence, are discharged, together with some munition, which was also upon the point of being sent. Another thing is also certain, that both in the court of Spain and this, there is at this time a strange straitness of money; which I do not conceive, for my part, to proceed so much from want, as design to employ it. The rendezvous, where the forces were to meet, was at Malaga, within the straits; which makes the enterprise upon Algiers most likely to be intended. For I take that to be a wild conceit, which thinks of going by the Adriatic *per far in un Viaggio duoi servitii;* as the giving a blow to Venice, and the landing of forces in aid of the King of Bohemia about Trieste.

Perhaps the King of Spain would be glad to let the world see, that now he is *hors de paye;* and, by showing himself in some action, to entitle the Duke of Lerma to all his former sloth; or perhaps he now makes a great preparation, upon the pretence of some enterprise, that he will let fall, that so he may with the less noise assemble great forces some other year for some other attempt not spoken of now.

My Lord Compton* is in this court, and goes shortly towards Italy. His fashion is sweet, and his disposition noble, and his conversation fair and honest.

Diego, my Lord Roos's man, is come hither. I pray God it be to do me any good towards the recovery of the debt his lord owes me.

Most honoured lord, I am here at good leisure to look back upon your lordship's great and noble goodness towards me, which may go for a great example in this age; and so it doth. That which I am sure of is, that my poor heart, such as it is, doth not only beat, but even boil in the desires it hath to do your lordship all humble service.

I crave leave, though it be against good manners, that I may ever present my humblest service to my most honoured lady, my Lady Verulam, and Lady Constable, with my best respects to my dear friend, Sir John Constable; who, if your lordship want the leisure, would perhaps cast an eye upon the enclosed paper.

I do, with more confidence, presume to address this other letter to Mr. Meautys, because the contents thereof concern your lordship's service.

I beseech sweet Jesus to make and keep your lordship entirely happy. So I humbly do you reverence, remaining ever

Your lordship's most obliged servant,
TOBIE MATTHEW.

P. S. I should be glad to receive some of your lordship's philosophical labours, if your lordship

* I have, out of a ragged hand in Spanish, translated it, and accompanied it with some marginal notes for your lordship's greater ease. *Note of Mr. Matthew.*

* Spencer, Lord Compton, only son of William, Earl of Northampton. This nobleman, who succeeded his father in his title and his estate, in June, 1630, was killed at Hampton Heath, near Stafford, on Sunday, March 19, 1642-3, fighting for King Charles I.

could so think fit. I do now receive a letter from the Conde de Gondomar, who, thinking that it should find me in England, saith thus: *Beso las manes mil vezes a mi sennor, el sennor Gran Chancilor, con my coracon; como estoy en su buena gracia.* The empress is dead long since, and the emperor is so sickly, or rather so sick, that they forbear to bury her with solemnity, as conceiving, that he will save charge by dying shortly. They say here, that the business of Bohemia is growing towards an end by composition.

Brussels, this 14th of February, 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

For the services committed to Sir Lionel Cranfield, after his majesty hath spoken with him, I shall attend and follow his majesty's pleasure and directions, and yield my best care, advice, and endeavour for performance.

In the pretermitted duty I have some profit, and more was to have had, if Queen Anne had lived; wherefore, I shall become an humble suitor to his majesty, that I may become no loser, specially seeing the business had been many a time and oft quite overthrown, if it had not been upheld only, or chiefly by myself; so that whatsoever service hath been since done, is upon my foundation.

Mr. Attorney* groweth pretty pert with me of late; and I see well who they are that maintain him. But be they flies, or be they wasps, I neither care for buzzes nor stings, most especially in any thing that concerneth my duty to his majesty, or my love to your lordship.

I forgot not in my public charge, the last Star Chamber day, to publish his majesty's honour for his late commission for the relief of the poor, and suppressing vagabonds; as also his gracious intention touching informers, which I perceive was received with much applause. That of projectors I spake not of, because it is not yet ripe, neither doth it concern the execution of any law, for which my speech was proper. God ever preserve and prosper you.

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

February 17, 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I send by post this sealed packet, containing my Lord of Suffolk's answer in the Star Chamber; I received it this evening at six of the clock, by the hands of the master of the rolls,* sealed as it is with my Lord of Suffolk's seal, and the master's of the rolls; but neither I, nor the master of the rolls know what is in it; but it cometh first to his majesty's sight. Only I did direct, that because the authentic copy (unto which my lord is sworn, according to the course of the court) is not so fit for his majesty's reading, my Lord of Suffolk should send withal a paper copy, which his majesty might read with less trouble.

My Lady Suffolk is so ill of the small-pox, as she is not yet fit to make any answer.

Bingley's† answer is come in, a long one; and, as I perceive, with some things impertinent, yea, and unfit. Of that I confer with Mr. Solicitor‡ to-morrow; and then I will farther advertise your lordship. God ever preserve and prosper you.

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

York House, this 23d of Febr. 1619,
at 9 of the clock, 1619-20.

TO THE LORD CHANCELLOR.

MOST HONOURABLE LORD,

I do even now receive this letter from the Conde de Gondomar, with direction I should send it (since I am not there to deliver it) to Mr. Wyche, that so he may present it to your lordship's hand at such time, as it may be of most use to him. He commands me, besides, that for his sake I should become an humble solicitor to your lordship for this friend of his; which I presume to do the more willingly, because this party is a great friend of mine, and so are also many of his friends my friends. Besides, he wills me to represent his great thanks to your lordship, for the just favours you have been pleased to vouchsafe to Mr. Wyche already, the rather in contemplation of the Conde, as he hath been informed. And if in the company, or rather in the attendance of so great an intercessor, it be not an unpardonable kind of ill manners to intrude myself, I presume to cast myself at your lordship's feet, with protestation that I shall be very particularly bound to your lordship's goodness for any favour, with justice, that he shall obtain.

I beseech Jesus keep your lordship ever entirely happy; and so, doing all humble reverence, I take leave.

Your lordship's most humble
and most obliged servant,
TOBIE MATTHEW.

Brussels, this 26th of February, 1619.

* Sir Henry Yelverton.

* Sir Julius Cæsar.
† Sir John Bingley's.
‡ Sir Thomas Coventry.

TO THE LORD CHANCELLOR.*

My honourable Lord,

Understanding that there hath been a long and tedious suit depending in the Chancery between Robert D'Oyley and his wife, plaintiffs, and Leonard Lovace, defendant; which cause hath been heretofore ended by award, but is now revived again, and was, in Michaelmas term last, fully heard before your lordship; at which hearing your lordship did not give your opinion thereof, but were pleased to defer it until breviats were delivered on both sides; which, as I am informed, hath been done accordingly: now my desire unto your lordship is, that you will be pleased to take some time, as speedily as your lordship may, to give your opinion thereof, and so make a final end, as your lordship shall find the same in equity to deserve: for which I will ever rest

Your lordship's faithful friend and servant,

G. Buckingham.

Windsor, 18th of May, 1620.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

I went to Kew for pleasure, but I met with pain. But neither pleasure nor pain can withdraw my mind from thinking of his majesty's service. And because his majesty shall see how I was occupied at Kew, I send him these papers of rules for the Star Chamber, wherein his majesty shall erect one of the noblest and durablest pillars for the justice of this kingdom in perpetuity, that can be, after, by his own wisdom and the advice of his lords, he shall have revised them and established them. The manner and circumstances I refer to my attending his majesty. The rules are not all set down; but I will do the rest within two or three days. I ever remain

Your lordship's most obliged

friend and faithful servant,

Fr. Verulam, Canc.

June 9, 1620.

TO THE LORD CHANCELLOR.†

My very good Lord,

Such is my haste at this time, that I cannot write so largely to yourself as I would, in the business of the steel, in which once already I sent to your lordship, and in which I only desire the good of the commonwealth, and the service of my master; I, therefore, have sent this bearer, my servant, unto you, and committed the relation of the business to him. And I do entreat your lordship to give credit to what he shall deliver your lordship therein, with your lawful assistance of my desires; wherein I doubt not but you shall do a very good office. And I shall rest ready to requite your courtesy; and, with my best wishes, continue

Your very loving friend,

G. Buckingham.

Egham, July 6, 1620.

Endorsed,

My lord marquis in behalf of his servant, Mr. Porter, and Mr. Darlington.

TO THE LORD CHANCELLOR.*

My honourable Lord,

His majesty having made a reference of business to your lordship, concerning Sir Robert Douglas and Mr. David Ramsey, two of his highness's servants, whom he loveth, and whom I wish very well unto; I have thought fit to desire you to show them all the favour your lordship may therein: which I will acknowledge, and ever rest

Your lordship's faithful friend and servant,

G. Buckingham.

The reference comes in the name of my brother Christopher, because they thought it would succeed the better: but the prince wisheth well to it.

Farnham, the last of August, 1620

Endorsed,

Touching the business of wills.

TO THE KING.†

Amongst the counsels which, since the time I had the honour to be first of your learned, and after of your privy council, I have given your majesty faithfully according to my small ability; I do take comfort in none more, than that I was the first that advised you to come in person into the Star Chamber; knowing very well, that those virtues of your majesty which I saw near hand, would out of that throne, both, as out of a sphere, illustrate your own honour, and, as out of a fountain, water and refresh your whole land. And because your majesty, in that you have already done, hath so well effected that which I foresaw and desired, even beyond my expectation; it is no marvel if I resort still to the branches of that counsel that hath borne so good fruit.

* Harl. MSS. vol. 7006.

† Harl. MSS. vol. 7000.

* Harl. MSS. vol. 7000.

† This letter appears to have been written after the proceedings against Sir Thomas Lake, and his lady and daughter, in the Star Chamber, in January, 1619-20, and before the resolution of calling the Parliament, which met January 30, 1620-1.

The Star Chamber, in the institutions thereof, hath two uses; the one as a supreme court of judicature, the other as an open council. In the first kind, your majesty hath sat there now twice: the first time, in a cause of force, concerning the duels; the second time, in a cause of fraud, concerning the forgeries and conspiracies against the Lady of Exeter; which two natures of crimes, force and fraud, are the proper objects of that court.

In the second kind, your majesty came the first time of all, when you did set in frame and fabric the several jurisdictions of your courts. There wants a fourth part of the square to make all complete, which is, if your majesty will be pleased to publish certain commonwealth commissions; which, as your majesty hath well begun to do in some things, and to speak of in some others; so, if your majesty will be pleased to make a solemn declaration of them in that place, this will follow:

First, that your majesty shall do yourself an infinite honour, and win the hearts of your people to acknowledge you, as well the most politic king, as the most just.

Secondly, it will oblige your commissioners to a more strict account, when they shall be engaged by such a public charge and commandment. And, thirdly, it will invite and direct any man that finds himself to know any thing concerning those commissions, to bring in their informations. So as I am persuaded it will eternize your name and merit, and that King James's commissions will be spoken of, and put in ure, as long as Britain lasts; at the least, in the reign of all good kings.

For the particulars, besides the two commissions of the navy, and the buildings about London, (wherein your majesty may consider, whether you will have any thing altered or supplied,) I wish these following to be added.

Commission for advancing the clothing of England, as well the old drapery as the new, and all the incidents thereunto.

Commission for staying treasure within the realm, and the reiglement of moneys.

Commission for the provision of the realm with corn and grain, and the government of the exportation and importation thereof; and directing of public granaries, if cause be.

Commission for introducing and nourishing manufactures within the realm, for setting people awork, and the considering of all grants and privileges of that nature.

Commission to prevent the depopulation of towns and houses of husbandry, and for nuisances and highways.

Commission for the recovery of drowned lands.

Commission for the suppression of the grievances of informers.

Commission for the better proceedings in the plantations of Ireland.

Commission for the provision of the realm with all kinds of warlike defence, ordnance, powder, munition, and armour.

Of these you may take and leave, as it shall please you: and I wish the articles concerning every one of them (first allowed by your council) to be read openly, and the commissioners' names.

For the good that comes of particular and select committees and commissions, I need not commonplace, for your majesty hath found the good of them; but nothing to that that will be, when such things are published; because it will vindicate them from neglect, and make many good spirits, that we little think of, co-operate in them.

I know very well that the world, that commonly is apt to think, that the care of the commonwealth is but a pretext in matters of state, will perhaps conceive, that this is but a preparative to a Parliament. But let not that hinder your majesty's magnanimity, *in opere operato*, that is so good; and, besides, that opinion, for many respects, will do no hurt to your affairs.

TO THE LORD CHANCELLOR.*

My very good Lord,

By his majesty's directions, Sir Francis Blundell will deliver you a petition of Sir Francis Annesly, his majesty's secretary of Ireland, with his majesty's pleasure thereupon. To the gentleman I wish very well, and do therefore recommend him and his cause to your lordship's good favour; and your respect of him, in his absence, I will thankfully acknowledge. So I take my leave.

Your lordship's very loving friend,

G. Buckingham.

Theobalds, the 2d of October, 1620.

TO THE KING.

It may please your most excellent Majesty,

It being a thing to speak or write, especially to a king, in public, another in private, although I have dedicated a work,† or rather a portion of a work, which, at last, I have overcome to your majesty by a public epistle, where I speak to you in the hearing of others; yet I thought fit also humbly to seek access for the same, not so much to your person as to your judgment, by these private lines.

The work, in what colours soever it may be set forth, is no more but a new logic, teaching to invent and judge by induction, as finding syllogism

* Harl. MSS vol. 7000.

† Novum Organum.

incompetent for sciences of nature; and thereby to make philosophy and sciences both more true and more active.

This tending to enlarge the bounds of reason, and to endow man's estate with new value, was no improper oblation to your majesty, who of men is the greatest master of reason and author of beneficence.

There be two of your council, and one other bishop* of this land, that know I have been about some such work near thirty years; † so as I made no haste. And the reason why I have published it now, specially being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try whether I can get help in one intended part of this work, namely, the compiling of a natural and experimental history, which must be the main foundation of a true and active philosophy.

This work is but a new body of clay, whereunto your majesty, by your countenance and protection, may breathe life. And to tell your majesty truly what I think, I account your favour may be to this work as much as a hundred years' time: for I am persuaded the work will gain upon men's minds in ages, but your gracing it may make it take hold more swiftly; which I would be very glad of, it being a work meant, not for praise or glory, but for practice and the good of men. One thing, I confess, I am ambitious of, with hope, which is, that after these beginnings, and the wheel once set on going, men shall seek more truth out of Christian pens than hitherto they have done out of heathen. I say with hope, because I hear my former book of the Advancement of Learning, is well tasted in the universities here, and the English colleges abroad: and this is the same argument sunk deeper.

And so I ever humbly rest in prayers, and all other duties,

Your majesty's most bounden
and devoted servant,
FR. VERULAM, Canc.

York House, this 12th of October, 1620

TO THE LORD CHANCELLOR.‡

MY HONOURABLE LORD,

There is a business in your lordship's hands, with which Sir Robert Lloyd did acquaint your lordship, whereof the prince hath demanded of me what account is given. And because I cannot inform his highness of any proceeding therein, I desire your lordship to use all expedition that may be, in making your answer to me, that I may give his highness some satisfaction, who is very desirous thereof. And so I rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Royston, 14th, of October, 1620.

Endorsed,

Touching the Register of Wills.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

I desire your lordship to continue your favour to Sir Thomas Gerrard in the business concerning him, wherein I signified his majesty's pleasure to your lordship. And one favour more I am to entreat of your lordship in his behalf, that you will be pleased to speak to one of the assistants of the Chancellor of the Duchy, in whose court he hath a cause depending, as he will more fully inform your lordship himself, to see that he may have a fair proceeding according to justice: for which I will ever rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Royston, 15th of October, 1620.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Your lordship desiring to understand what cometh of the business, after which the prince hearkeneth, I was in doubt which of the two businesses you meant; that of the Duchy, or that of the Prerogative Court for wills; for both are recommended from the prince. But be it one, or be it the other, no time hath been lost in either; for Mr. Secretary Naunton and I have entered into both. For the duchy, we have already stayed all proceedings to the king's disservice for those manors, which are not already passed under seal. For that which is passed, we have heard the attorney* with none or little satisfaction hitherto. The chancellor† is not yet come, though sent for. For the other, we have heard Sir John Bennet,‡ and given him leave to acquaint my Lord of Canterbury; and have required the solicitor§ to come well prepared for the king. So that in neither we can certify yet, and to trouble your

* Dr. Lancelot Andrews, Bishop of Winchester.

† Mr. Chamberlain, in a letter to Sir Dudley Carleton, ambassador at Holland, dated at London, October 28th, 1620, mentions, that Mr. Henry Cuffe, who had been secretary to Robert, Earl of Essex, and executed for being concerned in his treasons, having long since perused this work, gave this censure, that "a fool could not have written such a work, and a wise man would not." And, in another letter, dated February 3, 1620–1, Mr. Chamberlain takes notice, that the king could not forbear, sometimes, in reading that book, to say, that "it was like the peace of God, that passeth all understanding."

‡ Harl. MSS. vol. 7000.

* Sir Henry Yelverton.

† Sir Humphrey May, made Chancellor of the Duchy, March 9, 1617.

‡ Judge of the Prerogative Court of Canterbury. In 1621, he was fined £20,000 for bribery, corruption, and exaction in that office. He died in 1627.

§ Sir Thomas Coventry.

lordship, while business is but in passage, were time lost. I ever rest

Your lordship's most obliged
friend and faithful servant,
FR. VERULAM, Canc.

October 16, 1620.

TO THE KING, THANKING HIS MAJESTY FOR HIS GRACIOUS ACCEPTANCE OF HIS BOOK.

MAY IT PLEASE YOUR MAJESTY,

I cannot express how much comfort I received by your last letter of your own royal hand.* I see your majesty is a star that hath benevolent aspect and gracious influence upon all things that tend to a general good.

> Daphni, quid antiquos signorum suspicis artus?
> Ecce Dionæi processit Cæsaris astrum;
> Astrum, quo segetes gauderent frugibus, et quo
> Duceret apricis in collibus uva colorem. †

This work, which is for the bettering of men's bread and wine, which are the characters of temporal blessings and sacraments of eternal, I hope, by God's holy providence, will be ripened by Cæsar's star.

Your majesty shall not only do to myself a singular favour, but to your business a material help, if you will be graciously pleased to open yourself to me in those things wherein you may be unsatisfied. For, though this work, as by position and principal, doth disclaim to be tried by any thing but by experience, and the results of experience in a true way, yet the sharpness and profoundness of your majesty's judgment ought to be an exception to this general rule; and your questions, observations, and admonishments may do infinite good.

This comfortable beginning makes me hope farther that your majesty will be aiding to me in setting men on work for the collecting of a natural and experimental history, which is *basis totius negotii*, a thing which I assure myself will be from time to time an excellent recreation unto you; I say to that admirable spirit of yours that delighteth in light: and I hope well, that, even in your times, many noble inventions may be discovered for man's use. For, who can tell, now this mine of truth is opened, how the veins go; and what lieth higher, and what lieth lower? But let me trouble your majesty no farther at this time. God ever preserve and prosper your majesty.

[October 19, 1620.]

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I send now only to give his majesty thanks for the singular comfort which I received by his majesty's letter of his own hand, touching my book. And I must also give your lordship of my best thanks for your letter so kindly and affectionately written.

I did even now receive your lordship's letter touching the proclamation, and do approve his majesty's judgment and foresight about mine own. Neither would I have thought of inserting matter of state for the vulgar, but that nowadays there is no vulgar, but all statesmen. But, as his majesty doth excellently consider, the time of it is not yet proper. I ever rest

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

October 19, 1620.

Endorsed,

n answer to his majesty's directions touching the proclamation for a Parliament.

TO THE LORD CHANCELLOR.*

AFTER my very hearty commendations I have acquainted his majesty with your letter, who commanded me to tell you that he had been thinking upon the same point whereof you write three or four days ago, being so far from making any question of it that he every day expected when a writ should come down. For at the creation of Prince Henry, the lords of the council and judges assured his majesty of as much as the precedents mentioned in your letter speak of. And so I rest your lordship's

Very loving friend at command,
G. BUCKINGHAM.

Newmarket, the 24th of November, 1620

Endorsed,

Showing his majesty is satisfied with precedents, touching the prince's summons to Parliament.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Your lordship may find, that in the number of patents which we have represented to his majesty, as like to be stirred in the Lower House of Parliament, we have set down three, which may concern some of your lordship's special friends, which I account as my own friends; and so showed myself when they were in suit. The one, that to Sir Giles Mompesson, touching the inns; the second, to Mr. Christopher Villiers and Mr. Maule, touching the recognisances for ale-houses; the third, to Mr. Lieutenant of the Tower, touching the cask. These in duty could not be omitted, for that, spe-

* Of the 16th of October, 1620, printed in Lord Bacon's works.
† Virgil, Eclog IX. vers. 46—49.

* Harl. MSS. vol. 7000.

cially the two first of them, are more rumoured, both by the vulgar and by the gentlemen, yea, and by the judges themselves, than any other patents at this day. Therefore, I thought it appertained to the singular love and affection which I bear you upon so many obligations, to wish and advise that your lordship, whom God hath mad in all things so fit to be beloved, would put off the envy of these things, which, I think, in themselves, bear no great fruit, and rather take the thanks for ceasing them, than the note for maintaining them. But, howsoever, let me know your mind, and your lordship shall find I will go your way.

I cannot express how much comfort I take in the choice which his majesty hath made of my lord chief justice to be lord treasurer; not for his sake, nor for my sake, but for the king's sake, hoping that now a number of counsels, which I have given for the establishment of his majesty's estate, and have lain dead and buried deeper than this snow, may now spring up, and bear fruit; the rather, for that I persuade myself he and I shall run one way. And yet I know well, that in this doubling world *cor una et via una* is rare in one man, but more rare between two. And, therefore, if it please his majesty, according to his prudent custom in such cases, to cast out, now at his coming down, some words, which may the better knit us in conjunction to do him service, I suppose it will be to no idle purpose.

And as an old truant in the commission of the treasury, let me put his majesty in remembrance of three things now upon his entrance, which he is presently to go in hand with: the first, to make Ireland to bear the charge thereof: the second, to bring all accounts to one purse in the exchequer: the third, by all possible means to endeavour the taking off the anticipations. There be a thousand things more, but these being his majesty's last commands to the commissioners of the treasury, with such as in his majesty's princely judgment shall occur, will do well to season his place.

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

November 29, 1620.

As soon as I had written this letter I received your lordship's letter, touching my lord chief justice, which redoubled my comfort, to see how his majesty's thoughts and mine, his poor servant's, and your lordship's, meet.

I send enclosed names for the speaker; and if his majesty, or your lordship, demand our opinion, which of them, my lord chief justice will tell you. It were well it were despatched; for else I will not dine with the speaker; for his drink will not be laid in time enough.

I beseech your lordship, care may be taken that our general letter may be kept secret, whereof my lord chief justice will tell you the reason.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I was so full of cold, as I could not attend his majesty to-day. Yesterday I despatched the proclamation with the council. There was a motion to have sharpened it; but better none, than over sharp at first. I moved the council also for supplying the committee for drawing of bills and some other matters, in regard of my Lord Hobart's* sickness, who I think will hardly escape: which, though it be happiness for him, yet it is loss for us.

Meanwhile, as I propounded to the king, which he allowed well, I have broken the main of the Parliament into questions and parts, which I send. It may be, it is an over diligence; but still methinks there is a middle thing between art and chance: I think they call it providence, or some such thing, which good servants owe to their sovereign, specially in cases of importance and straits of occasions. And those huffing elections, and general license of speech ought to make us the better provided. The way will be, if his majesty be pleased, to peruse these questions advisedly, and give me leave to wait on him; and then refer it to some few of the council, a little to advise upon it. I ever rest

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

December 23, 1620

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

His majesty hath commanded me to signify his pleasure unto your lordship, that Sir Thomas Coventry, now his solicitor-general, be forthwith made his attorney-general: and that your lordship give order to the clerk of the crown to draw up a grant of the said place unto him accordingly. And so I rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Whitehall, 9th of January, 1620.

TO THE LORD CHANCELLOR.†

MY HONOURABLE LORD,

I have been entreated to recommend unto your lordship the distressed case of the Lady Martin, widow of Sir Richard Martin, deceased, who hath a cause to be heard before your lordship in the Chancery, at your first sitting in the next term, between her and one Archer, and others, upon an ancient statute, due long since unto her husband; which cause, I am informed, hath received three verdicts for her in the common law, a decree in

* Lord Chief Justice of the Common Pleas.
† Harl. MSS. vol. 7000.

the Exchequer Chamber, and a dismission before your lordship: which I was the more willing to do, because I have seen a letter of his majesty to the said Sir Richard Martin, acknowledging the good service that he did him in this kingdom, at the time of his majesty's being in Scotland. And therefore I desire your lordship, that you would give her a full and fair hearing of her cause, and a speedy despatch thereof, her poverty being such, that having nothing to live on but her husband's debts, if her suit long depend, she shall be enforced to lose her cause for want of means to follow it: wherein I will acknowledge your lordship's favour, and rest

Your lordship's faithful
friend and servant,
G. BUCKINGHAM.

Whitehall, the 13th of January, 1620.

TO THE LORD CHANCELLOR.*

MY HONOURABLE LORD,

His majesty hath commanded me to signify his pleasure unto you, that you give present order to the clerk of the crown to draw a bill to be signed by his majesty for Robert Heath, late recorder of London, to be his majesty's solicitor-general. So I rest your lordship's
friend and servant,
G. BUCKINGHAM.

Theobalds, 20th of January, 1620

TO THE KING.†

MAY IT PLEASE YOUR MAJESTY,

I thank God I number days, both in thankfulness to him, and in warning to myself. I should likewise number your majesty's benefits, which, as to take them in all kinds, they are without number; so even in this kind of steps and degrees of advancement, they are in greater number than scarcely any other of your subjects can say. For this is now the eighth time that your majesty hath raised me.

You formed me of the learned council extraordinary, without patent or fee, a kind of *individuum vagum*. You established me, and brought me into ordinary; soon after you placed me solicitor, where I served seven years: then your majesty made me your attorney, or procurator general; then privy counsellor, while I was attorney; a kind of miracle of your favour, that had not been in many ages: thence keeper of your seal; and because that was a kind of planet, and not fixed, chancellor: and when your majesty could raise me no higher, it was your grace to illustrate me with beams of honour, first making me Baron Verulam, and now Viscount St. Alban. So, this is the eighth rise or reach, a diapason in music, even a good number, and an accord for a close. And so I may without superstition be buried in St. Alban's habit or vestment.

Besides the number, the obligation is increased by three notes or marks: first, that they proceed from such a king; for honours from some kings are but great chancels, or counters, set high; but from your majesty, they are indeed dignities by the co-operation of your grace. Secondly, in respect of the continuance of your majesty's favour, which proceedeth as the divine favour, from grace to grace. And, thirdly, these splendours of honour are like your freest patents, *absque aliquid inde reddendo*. Offices have burdens of cares and labours; but honours have no burden but thankfulness, which doth rather raise men's spirits than *accable* them, or press them down.

Then I must say, *quid retribuam?* I have nothing of mine own. That that God hath given me I shall present unto your majesty; which is care and diligence, and assiduous endeavour, and that which is the chief, *cor unum et viam unam;* hoping that your majesty will do, as your superior doth; that is, finding my heart upright, you will bear with my other imperfections. And, lastly, your majesty shall have the best of my time, which I assure myself I shall conclude in your favour, and survive in your remembrance. And that is my prayer for myself; the rest shall be in prayers for your majesty.

TO THE LORD CHANCELLOR.*

MY NOBLE LORD,

I have showed your letter of thanks to his majesty, who saith there are too many thanks in it for so small a favour; which he holdeth too little to encourage so well a deserving servant. For myself, I shall ever rejoice at the manifestation of his majesty's favour toward you, and will contribute all that is in me, to the increasing of his good opinion; ever resting

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

With due thanks for your last visit, this day is a play-day for me. But I will wait on your lordship, if it be necessary.

* Harl. MSS. vol. 7000.

† This seems to have been written by Lord St. Albans, just after he was created a viscount by that title, January 27, 1620.

* Harl. MSS. vol. 7000.

I do hear from divers of judgment, that to-morrow's conference* is like to pass in a calm, as to the referees.† Sir Lionel Cranfield, who hath been formerly the trumpet, said yesterday, that he did now incline to Sir John Walter's opinion and motion, not to have the referrees meddled with otherwise, than to discount it from the king; and so not to look back, but to the future. And I do hear almost all men of judgment in the House wish now that way. I woo nobody: I do but listen, and I have doubt only of Sir Edward Coke, who, I wish, had some round *caveat* given him from the king; for your lordship hath no great power with him: but I think a word from the king mates him.

If things be carried fair by the committees of the Lower House, I am in some doubt, whether there will be occasion for your lordship to speak to-morrow; though, I confess, I incline to wish you did, chiefly because you are fortunate in that kind; and, to be plain also, for our better countenance, when your lordship, according to your noble proposition, shall show more regard of the fraternity you have with great counsellors, than of the interest of your natural brother.

Always, good my lord, let us think of times out of Parliament, as well as the present time in Parliament; and let us not all be put *es pourpoint*. Fair and moderate courses are ever best in causes of estate; the rather, because I wish this Parliament, by the sweet and united passages thereof, may increase the king's reputation with foreigners, who may make a far other judgment than we mean, of a beginning to question great counsellors and officers of the crown, by courts or assemblies of estates. But the reflection upon my particular in this makes me more sparing than perhaps, as a counsellor, I ought to be.

God ever preserve and prosper you.

Your lordship's true servant all and ever,

FR. ST. ALBAN, Canc.

March 7, the day I received the seal, 1620.

TO THE KING.‡

IT MAY PLEASE YOUR MAJESTY.

I received your majesty's letter about midnight; and because it was stronger than the ancient summons of the exchequer, which is, *sicut teipsum et omnia tua diligis;* whereas this was *sicut me diligis;* I used all possible care to effect your majesty's good will and pleasure.

I sent early to the prince, and to my lord treasurer; and we attended his highness soon after seven of the clock, at Whitehall, to avoid farther note. We agreed, that if the message came, we would put the lords into this way, that the answer should be that we understood they came prepared both with examination and precedent; and we likewise desired to be alike prepared, that the conference might be with more fruit.

I did farther speak with my Lord of Canterbury, when I came to the House, not letting him know any part of the business, that he would go on with a motion which he had told me of the day before, that the Lords' House might not sit Wednesday and Friday, because they were convocation-days; and so was the former custom of Parliament.

As good luck was, the house read two bills, and had no other business at all; whereupon my Lord of Canterbury made his motion; and I adjourned the House till Saturday. It was no sooner done, but came the message from the Lower House. But the *consummatum est* was past, though I perceived a great willingness in many of the lords to have recalled it, if it might have been.

So, with my best prayers for your majesty's preservation, I rest

Your majesty's most bounden,
and most devoted servant,

FR. ST. ALBAN, Canc.

Thursday, at eleven of our forenoon, March 8, 1620.

TO THE MARQUIS OF BUCKINGHAM.*

MY VERY GOOD LORD,

Your lordship spoke of purgatory. I am now in it; but my mind is in a calm; for my fortune is not my felicity. I know I have clean hands, and a clean heart; and I hope a clean house

* On Monday the 5th of March, 1620-21, the House of Lords received a message from the Commons, desiring a conference touching certain grievances, principally concerning Sir Giles Mompesson.—See *Journal of the House of Lords.*

† Those to whom the king referred the petitions, to consider whether they were fit to be granted or not. This explanation of the word *referees*, I owe to a note in a MS. letter, written to the celebrated Mr. Joseph Mead, of Christ's College, Cambridge.

‡ The date of this letter is determined to be the 8th of March, 1620-1, from the circumstance of its being mentioned to have been written on that Thursday, on which the House of Lords adjourned to the Saturday following. It appears from the journal of that House, that, on the 8th of March, 1620, the said House, at which were present the Prince of Wales and Marquis of Buckingham, was adjourned to Saturday the 10th, on which day a conference of both Houses was held relating to the complaint of that of the Commons against Sir Giles Mompesson. Of this conference the lord chancellor made report on Monday, March 12, to the House of Lords, remarking, that "the inducement to this conference was to clear the king's honour, touching grants to Sir Giles, and the passages in procuring the same" After this report of the conference, the lord chamberlain, William, Earl of Pembroke, complained to the House, that two great lords, meaning the lord chancellor and the lord treasurer, the Lord Viscount Mandeville, had, in that conference, *spake in their own defence, not being allowed to do so when the committees were named.* Upon which both the lords acknowledged their error, and begged pardon of the House.

* This letter seems to have been written soon after Lord St. Alban began to be accused of abuses in his office of chancellor.

for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him, as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a chancellor, I think, if the great seal lay upon Hounslow Heath, nobody would take it up. But the king and your lordship will I hope put an end to these my straits one way or other. And, in troth, that which I fear most, is, lest continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down; and that it will be thought feigning, or fainting. But I hope in God I shall hold out. God prosper you.

TO THE LORD CHANCELLOR OF THE DUCHY, SIR HUMPHREY MAY.

GOOD MR. CHANCELLOR,

There will come, upon Friday, before you a patent* of his majesty's for the separation of the company of apothecaries from the company of grocers, and their survey, and the erecting them into a corporation of themselves under the survey of the physicians. It is, as I conceive, a fair business both for law and conveniency, and a work which the king made his own, and did, and as I hear doth take much to heart. It is *in favorem vitæ*, where the other part is *in favorem lucri*. You may perhaps think me partial to apothecaries, that have been ever puddering in physic all my life. But there is a circumstance that touches upon me but *post diem*, for it is comprehended in the charge and sentence passed upon me. It is true, that after I had put the seal to the patent, the apothecaries† presented me with a hundred pounds. It was no judicial affair. But, howsoever, as it may not be defended, so I would be glad it were not raked up more than needs. I doubt only the chair, because I hear he useth names sharply; and, besides, it may be, he hath a tooth at me yet, which is not fallen out with age. But the best is, as one saith, *satis est lapsos non erigere; urgere vero jacentes, aut præcipitantis impellere, certe est inhumanum.* Mr. Chancellor, if you will be nobly pleased to grace me upon this occasion, by showing tenderness of my name, and commiseration of my fortune, there is no man in that assembly from whose mouth I had rather it should come. I hope it will be no dishonour to you. It will oblige me much, and be a worthy fruit of our last reintegration of friendship. I rest

Your faithful friend to do you service.

* The patent for incorporating the apothecaries by themselves, by the appellation of "The Masters, Wardens, and Society of the Art and Mystery of Apothecaries of London," was dated December 6, 1617. They had been incorporated with the company of grocers, April 9, 1606.

† His lordship being charged by the House of Commons, that he had received one hundred pounds of the new company of apothecaries, that stood against the grocers, as, likewise, a taster of gold worth between four and five hundred pounds, with a present of ambergrise, from the apothecaries that stood with the grocers; and two hundred pounds of the grocers; he admits the several sums to have been received of the three parties, but alleges, "that he considered those presents as no judicial business, but a concord of composition between the parties: and, as he thought they had all three received good, and they were all common purses, he thought it the less matter to receive what they voluntarily presented; for if had taken it in the nature of a bribe, he knew it could not be concealed, because it must be put to the account of the three several companies."

TO THE MARQUIS OF BUCKINGHAM.*

MY VERY GOOD LORD,

I humbly thank your lordship for the grace and favour which you did both to the message and messenger, in bringing Mr. Meautys to kiss his majesty's hands, and to receive his pleasure. My riches in my adversity have been, that I have had a good master, a good friend, and a good servant.

Perceiving, by Mr. Meautys, his majesty's inclination, it shall be, as it hath ever used to be to me, instead of a direction; and, therefore, I purpose to go forthwith to Gorhambury, humbly thanking his majesty, nevertheless, that he was graciously pleased to have acquainted my lords with my desire, if it had stood me so much upon. But his majesty knoweth best the times and seasons; and to his grace I submit myself, desiring his majesty and your lordship to take my letters from the Tower as written *de profundis*, and those I continue to write to be *ex aquis salsis*.

June 22, 1621.

Endorsed,

To Lord Buckingham, upon bringing Mr. Meautys to kiss the king's hands.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I have written, as I thought it decent in me to do, to his majesty the letter I send enclosed. I have great faith that your lordship, now nobly and like yourself, will effect with his majesty. In this the king is of himself, and it hath no relation to Parliament. I have written also, as your lordship advised me, only touching that point of means. I have lived hitherto upon the scraps of my former fortunes; and I shall not be able to hold out longer. Therefore, I hope your lordship will now, according to the loving promises and hopes given, settle my poor fortunes, or rather my being. I am much fallen in love with a private life; but

* This letter is reprinted here, because it differs in some respects from that published in Letters, Memoirs, Parliamentary Affairs, State Papers, &c. by Robert Stephens, Esq., p. 151, Edit. London, 1736, 4to.

yet I shall so spend my time, as shall not decay my abilities for use.

God preserve and prosper your lordship.

September 5, 1621.

TO THE PRINCE.

May it please your Highness,

I cannot too oft acknowledge your highness's favour in my troubles; but acknowledgment now is but begging of new favour. Yet, even that is not inconvenient; for thanksgiving and petition go well together, even to God himself. My humble suit to your highness, that I may be thought on for means to subsist; and to that purpose, that your highness will join with my noble friend to the king. That done, I shall ever be ready either at God's call or his majesty's, and as happy to my thinking as a man can be, that must leave to serve such a king.

God preserve and prosper your highness.

On the back of the draughts of the three preceding letters were written the following memoranda.

Bishops Winchester,* Durham,† London.‡

Lord Duke,§ Lord Hunsdon.

Lord Chamberlain,|| to thank him for his kind remembrance by you; and though in this private fortune I shall have use of few friends, yet, I cannot but acknowledge the moderation and affection his lordship showed in my business, and desire, that of those few his lordship will still be one for my comfort, in whatsoever may cross his way, for the furtherance of my private life and fortune.

Mr. John Murray. If there be any thing that may concern me, that is fit for him to speak, and me to know, that I may receive it by you.

Mr. Maxwell. That I am sorry, that so soon as I came to know him, and to be beholding to him, I wanted power to be of use for him.

Lord of Kelly; and to acquaint him with that part touching the confinement.

TO THE KING

It may please your Majesty,

Now that your majesty hath passed the recreation of your progress, there is, nevertheless, one kind of recreation, which I know remaineth with your majesty all the year; which is to do good, and to exercise your clemency and beneficence. I shall never measure my poor service by the merit, which perhaps is small, but by the acceptation, which hath been always favourably great. I have served your majesty now seventeen years; and since my first service, (which was in the commission of the union,) I received from your majesty never chiding or rebuke, but always sweetness and thanks. Neither was I in these seventeen years ever chargeable to your majesty, but got my means in an honourable sweat of my labour, save that of late your majesty was graciously pleased to bestow upon me the pension of twelve hundred pounds for a few years. For in that other poor prop of my estate, which is the farming of the petty writs, I improved your majesty's revenue by four hundred pounds the year. And, likewise, when I received the seal, I left both the attorney's place, which was a gainful place, and the clerkship of the Star Chamber, which was Queen Elizabeth's favour, and was worth twelve hundred pounds by the year, which would have been a good *commendam.* The honours which your majesty hath done me have put me above the means to get my living; and the misery I am fallen into hath put me below the means to subsist as I am. I hope my courses shall be such, for this little end of my thread which remaineth, as your majesty in doing me good may do good to many, both that live now, and shall be born hereafter. I have been the keeper of your seal, and now am your beadsman. Let your own royal heart, and my noble friend, speak the rest.

God preserve and prosper your majesty.

Your majesty's faithful
poor servant and beadsman,
Fr. St. Alban.

September 5, 1621.

Cardinal Wolsey said, that if he had pleased God as he pleased the king, he had not been ruined. My conscience saith no such thing; for I know not but in serving you, I have served God in one. But it may be, if I had pleased God, as I had pleased you, it would have been better with me.

TO THE KING.

May it please your most excellent Majesty,

I do very humbly thank your majesty for your gracious remission of my fine. I can now, I thank God and you, die, and make a will.

I desire to do, for the little time God shall send me life, like the merchants of London, which, when they give over trade, lay out their money upon land. So, being freed from civil business, I lay forth my poor talent upon those things which may be perpetual, still having relation to do you honour with those powers I have left.

I have, therefore, chosen to write the reign of King Henry the VIIth, who was in a sort your forerunner, and whose spirit, as well as his blood, is doubled upon your majesty.

* Dr. Andrews
† Dr. Richard Neile.
‡ Dr. George Mountain.
§ Lenox.
|| William, Earl of Pembroke.

I durst not have presumed to entreat your majesty to look over the book, and correct it, or at least to signify what you would have amended. But since you are pleased to send for the book, I will hope for it.

[*God knoweth whether ever I shall see you again; but I will pray for you to the last gasp, resting]

The same, your true beadsman,
FR. ST. ALBAN.

October 8, 1621.

DR. WILLIAMS, BISHOP OF LINCOLN ELECT, AND LORD KEEPER OF THE GREAT SEAL, TO THE VISCOUNT ST. ALBAN.

MY VERY GOOD LORD,

Having perused a privy seal, containing a pardon for your lordship, and thought seriously thereupon, I find, that the passing of the same (the assembly in Parliament so near approaching†) cannot but be much prejudicial to the service of the king, to the honour of my Lord of Buckingham, to that commiseration, which otherwise would be had of your lordship's present estate, and especially to my judgment and fidelity. I have ever affectionately loved your lordship's many and most excelling good parts and endowments; nor had ever cause to disaffect your lordship's person: so as no respect in the world, beside the former considerations, could have drawn me to add the least affliction or discontentment unto your lordship's present fortune. May it, therefore, please your lordship to suspend the passing of this pardon, until the next assembly be over and dissolved; and I will be then as ready to seal it as your lordship to accept of it: and, in the mean time, undertake that the king and my lord admiral shall interpret this short delay as a service and respect issuing wholly from your lordship; and rest, in all other offices whatsoever,

Your lordship's faithful servant,
JO. LINCOLN, elect. Custos Sigilli.

Westminster College, October 18, 1621.

To the right honourable, his very good lord, the Lord Viscount St. Alban.

TO THE LORD KEEPER.

MY VERY GOOD LORD,

I know the reasons must appear to your lordship many and weighty which should move you to stop the king's grace, or to dissuade it; and somewhat the more in respect of my person, being, I hope, no unfit subject for noble dealing. The message I received by Mr. Meautys did import inconvenience, in the form of the pardon; your lordship's last letter, in the time: for, as for the matter, it lay so fair for his majesty's and my Lord of Buckingham's own knowledge, as I conceive your lordship doth not aim at that. My affliction hath made me understand myself better, and not worse; yet loving advice, I know, helps well. Therefore, I send Mr. Meautys to your lordship, that I might reap so much your fruit of your lordship's professed good affection, as to know in some more particular fashion, what it is that your lordship doubteth, or disliketh, that I may the better endeavour your satisfaction or acquiescence, if there be cause. So I rest

Your lordship's to do you service,
FR. ST. ALBAN.

October 18, 1621.

PETITION OF THE LORD VISCOUNT ST. ALBAN, INTENDED FOR THE HOUSE OF LORDS.

MY RIGHT HONOURABLE VERY GOOD LORDS,

In all humbleness, acknowledging your lordships' justice, I do now, in like manner, crave and implore your grace and compassion. I am old, weak, ruined, in want, a very subject of pity. My only suit to your lordships is to show me your noble favour towards the release of my confinement, (so every confinement is,) and to me, I protest, worse than the Tower.* There I could have had company, physicians, conference with my creditors and friends about my debts, and the necessities of my estate, helps for my studies, and the writings I have in hand. Here, I live upon the sword point of a sharp air, endangered if I go abroad, dulled if I stay within, solitary and comfortless without company, banished from all opportunities to treat with any to do myself good, and to help out any wrecks; and that, which is, one of my greatest griefs, my wife, that hath been no partaker of my offending, must be partaker of this misery of my restraint.

May it please your lordships, therefore, since there is a time for justice, and a time for misery, to think with compassion upon that which I have already suffered, which is not little, and to recommend this my humble, and, as I hope, modest suit to his most excellent majesty, the fountain of grace, of whose mercy, for so much as concerns himself merely, I have already tasted, and likewise of his favour of this very kind, by some small temporary dispensations.

Herein your lordships shall do a work of charity and nobility; you shall do me good; you

* This passage has a line drawn over it.

† It met November 24, 1621, and was dissolved February 8, 1621-2

* He had been committed to the Tower in May, 1621, and discharged after two days' confinement there, according to Camden.—*Annales Regis Jacobi I*, p. 71. There is a letter of his lordship to the Marquis of Buckingham, dated from the Tower, May 31, 1621, desiring his lordship to procure his discharge that day.

shall do my creditors good; and, it may be, you shall do posterity good, if out of the carcass of dead and rotten greatness, as out of Samson's lion, there may be honey gathered for the use of future times.

God bless your persons and counsels.

Your lordships' supplicant and servant,

FR. ST. ALBAN.

Endorsed,

Copy of the petition intended for the House of Parliament.

TO JOHN, LORD DIGBY *

MY VERY GOOD LORD,

Receiving, by Mr. Johnson, your loving salutations, it made me call to mind many of your lordship's tokens, yea, and pledges, of good and hearty affection in both my fortunes; for which I shall be ever yours. I pray, my lord, if occasion serve, give me your good word to the king, for the release of my confinement, which is to me a very strait kind of imprisonment. I am no Jesuit, nor no leper; but one that served his majesty these sixteen years, even from the commission of the union till this last Parliament, and ever had many thanks of his majesty, and was never chidden. This his majesty, I know, will remember at one time or other; for I am his man still.

God keep your lordship.

Your lordship's most affectionate
to do you service,

FR. ST. ALBAN.

Gorhambury, this last of December, 1621

TO THE LORD VISCOUNT ST. ALBAN †

MY HONOURABLE LORD,

I have received your lordship's letter, and have been long thinking upon it, and the longer, the less able to make answer unto it. Therefore, if your lordship will be pleased to send any understanding man unto me, to whom I may in discourse open myself, I will, by that means, so discover my heart, with all freedom, which were too long to do by letter, especially in this time of Parliament business, that your lordship shall receive satisfaction. In the mean time I rest

Your lordship's faithful servant,

G. BUCKINGHAM.

Royston, December 16, 1621.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

The reason why I was so desirous to have had conference with your lordship at London, was indeed to save you the trouble of writing: I mean the reason in the second place; for the chief was to see your lordship. But since you are pleased to give me the liberty to send to your lordship one to whom you will deliver your mind, I take that in so good part, as I think myself tied the more to use that liberty modestly. Wherefore, if your lordship will vouchsafe to send to me one of your own, (except I might have leave to come to London,) either Mr. Packer, my ancient friend, or Mr. Aylesbury,* of whose good affection towards me I have heard report; to me it shall be indifferent. But if your lordship will have one of my nomination, if I might presume so far, I would name, before all others, my Lord of Falkland. But because perhaps it may cost him a journey, which I may not in good manners desire, I have thought of Sir Edward Sackville, Sir Robert Mansell, my brother, Mr. Solicitor General,† (who, though he be almost a stranger to me, yet, as my case now is, I had rather employ a man of good nature than a friend,) and Sir Arthur Ingram, notwithstanding he be great with my Lord Treasurer. Of these, if your lordship shall be pleased to prick one, I hope well I shall entreat him to attend your lordship, and to be sorry never a whit of the employment. Your lordship may take your own time to signify your will in regard of the present business of Parliament. But my time was confined by due respect to write a present answer to a letter, which I construed to be a kind letter, and such as giveth me yet hope to show myself to your lordship.

Your lordship's most obliged friend
and faithful servant,

FR. ST. ALBAN.

Endorsed,

To the Lord of Buckingham, in answer to his of the 16th of December.

THOMAS MEAUTYS, ESQ.‡ TO THE LORD VISCOUNT ST. ALBAN.

MAY IT PLEASE YOUR LORDSHIP,

As soon as I came to London I repaired to Sir Edward Sackville,§ whom I find very zealous, as I told your lordship. I left him to do your

* Created so in November, 1618, and in September, 1622, Earl of Bristol.

† Harl. MSS vol. 7000.

* Thomas Aylesbury, Esq, secretary to the Marquis of Buckingham, as lord high admiral He was created a baronet in 1627. Lord Chancellor Clarendon married his daughter Frances.

† Sir Robert Heath, made solicitor in January 14, 1620–1.

‡ He had been secretary to the Lord Viscount St. Alban, while his lordship had the great seal, and was afterwards clerk of the council, and knighted. He succeeded his patron in the manor of Gorhambury, which, after the death of Sir Thomas, came to his cousin and heir, Sir Thomas Meautys, who married Anne, daughter of Sir Nathaniel Bacon, of Culford Hall, in Suffolk, knight; which lady married a second husband, Sir Harbottle Grimstone, baronet, and master of the rolls, who purchased the reversion of Gorhambury from Sir Hercules Meautys, nephew of the second Sir Thomas.

§ Afterwards Earl of Dorset, well known for his duel, in 1613, with the Lord Kinloss, in which the latter was killed.

service, in any particular you shall command him, to my lord marquis, (though it were with some adventure;) and withal he imparted to me what advice he had given to my lady this afternoon, upon his visiting of her at York House, when Mr. Packer also, as it fell out, was come, at the same time, to see my lady, and seemed to concur with Sir Edward Sackville in the same ways; which were for my lady to become a suitor to my Lady Buckingham,* and my lady marchioness† to work my lord marquis for obtaining of the king some bounty towards your lordship; and in particular that of the thousand pounds for the small writs. If I may speak my opinion to your lordship, it is not amiss to begin any way, or with any particular, though but small game at first, only to set a rusty clock agoing, and then haply it may go right for a time, enough to bring on the rest of your lordship's requests. Yet, because your lordship directed me to wish my lady, from you, by no means to act any thing, but only to open her mind in discourse unto friends, until she should receive your farther direction, it became not me to be too forward in putting it on too fast with Sir Edward; and my lady was pleased to tell me since that she hath written to your lordship at large.

I inquired, even now, of Benbow, whether the proclamation for dissolving the Parliament was coming forth. He tells me he knows no more certainty of it, than that Mr. Secretary commanded him yesterday to be ready for despatching of the writs, when he should be called for; but since then he hears it sticks, and endures some qualms; but they speak it still aloud at court that the king is resolved of it.

Benbow tells me likewise, that he hath attended these two days upon a committee of the lords, with the book of the commission of peace; and that their work is to empty the commission in some counties by the score, and many of them Parliament men; which course sure helps to ring the passing bell to the Parliament.

Mr. Borough‡ tells me, he is at this present fain to attend some service for the king, but about Saturday he hopes to be at liberty to wait upon your lordship. I humbly rest

Your lordship's forever to honour and serve,

T. Meautys.

January 3, 1621.

To the Right Honourable my most honoured lord, the Lord Viscount St. Alban.

TO THE LORD VISCOUNT ST. ALBAN.

May it please your Lordship,

This afternoon my lady found access to my lord marquis, procured for her by my Lord of Montgomery* and Sir Edward Sackville, who seemed to contend which of them should show most patience in waiting (which they did a whole afternoon) the opportunity to bring my lord to his chamber, where my lady attended him. But when he was come, she found time enough to speak at large: and though my lord spake so loud as that what passed was no secret to me and some others that were within hearing, yet, because my lady told me she purposeth to write to your lordship the whole passage, it becometh not me to anticipate, by these, any part of her ladyship's relation.

I send your lordship herewith the proclamation for dissolving the Parliament, wherein there is nothing forgotten that we† have done amiss; but for most of those things that we have well done, we must be fain, I see, to commend ourselves.

I delivered your lordship's to my Lord of Montgomery and Mr. Matthew, who was even then come to York House to visit my lady, when I received the letter; and, as soon as he had read it, he said, that he had rather your lordship had sent him a challenge; and that it had been easier to answer than so noble and kind a letter. He intends to see your lordship some time this week, and so doth Sir Edward Sackville, who is forward to make my lady a way by the prince, if your lordship advise it.

There are packets newly come out of Spain; and the king, they say, seems well pleased with the contents; wherein there is an absolute promise and undertaking for the restitution of the palatinate; the dispensation returned already from the pope, and the match hastened on their parts. My Lord Digby goes shortly; and Mr. Matthew tells me he means, before his going, to write by him to your lordship.

The king goes not till Wednesday, and the prince certainly goes with him. My lord marquis, in person, christens my Lord of Falkland's child to-morrow, at his house by Watford.

Mr. Murray‡ tells me the king hath given your book§ to my Lord Brooke,|| and enjoined him to read it, recommending it much to him; and then my Lord Brooke is to return it to your lordship; and so it may go to the press when your lordship pleases, with such amendments as the king hath made, which I have seen, and are very few, and those rather words, as *epidemic*, and *mild*, instead

* Mary, Countess of Buckingham, mother of the marquis.

† Catharine, Marchioness of Buckingham, wife of the marquis, and only daughter and heir of Francis, Earl of Rutland.

‡ John Borough, educated in common law at Gray's Inn, Keeper of the Records in the Tower of London, Secretary to the Earl Marshal, in 1623 made Norroy; in July, the year following, knighted, and on the 23d of December, the same year, made Garter King at Arms, in the place of Sir William Segar. He died October 21, 1643.

* Philip, afterwards Earl of Pembroke.

† Mr. Meautys was member in this Parliament for the town of Cambridge.

‡ Thomas Murray, tutor and secretary to the prince, made provost of Eton College, in the room of Sir Henry Savile, who died February 19, 1621-2. Mr. Murray died, likewise, April 1, 1623.

§ The History of the Reign of King Henry the Seventh.

|| Fulk Greville.

of *debonnaire*, etc. Only that of persons attainted, enabled to serve in Parliament by a bare reversal of their attainder, the king by all means will have left out. I met with my Lord Brooke, and told him, that Mr. Murray had directed me to wait upon him for the book, when he had done with it. He desired to be spared this week, as being to him a week of much business, and the next week I should have it; and he ended in a compliment, that care should be taken, by all means, for good ink and paper to print it in, for that the book deserveth it.

I beg leave to kiss your lordship's hands.

Your lordship's in all humbleness
to honour and serve,
T. Meautys.

January 7, 1621-2.

This proclamation is not yet sealed; and, therefore, your lordship may please as yet to keep it in your own hands.

TO THE LORD VISCOUNT ST. ALBAN.

My most honoured Lord,

I met, even now, with a piece of news so unexpected, and yet so certainly true, as that, howsoever, I had much ado, at first, to desire the relater to speak probably; yet, now I dare send it your lordship upon my credit. It is my Lord of Somerset's and his lady's coming out of the Tower, on Saturday last,* fetched forth by my Lord of Falkland, and without the usual degrees of confinement, at first to some one place,† but absolute and free, to go where they please. I know not how peradventure this might occasion you to cast your thoughts, touching yourself, into some new mould, though not in the main, yet in something on the by.

I beg leave to kiss your lordship's hands.

Your lordship's, in all humbleness,
forever to honour and serve you,
T. Meautys.

LODOWIC STUART, DUKE OF LENOX, TO THE LORD VISCOUNT ST. ALBAN.

My Lord,—It is not unknown to your lordship, that, in respect I am now a married man, I have more reason than before to think of providing me some house in London, whereof I am yet destitute; and for that purpose I have resolved to entreat your lordship, that I may deal with you for York House; wherein I will not offer any conditions to your loss. And, in respect I have understood, that the consideration of your lady's wanting a house hath bred some difficulty in your lordship to part with it, I will for that make offer unto your lordship, and your lady, to use the house in Canon Row, late the Earl of Hertford's, being a very commodious and capable house, wherein I and my wife have absolute power; and whereof your lordship shall have as long time as you can challenge or desire of York House. In this I do freelier deal with your lordship, in respect I know you are well assured of my well wishes to you in general; and that in this particular, though I have not been without thoughts of this house before your lordship had it, yet, I was willing to give way to your lordship's more pressing use thereof then. And as I do not doubt of your lordship's endeavour to gratify me in this, so I shall esteem it as an extraordinary courtesy, which I will study to requite by all means.

So, with my best wishes to your lordship, I rest

Your lordship's most loving friend,
Lenox.

In respect my Lord of Buckingham was once desirous to have had this house, I would not deal for it till now, that he is otherwise provided.

Whitehall, the 29th of January, 1621.

To the Right Honourable my very good lord, my Lord Viscount St. Alban.

ANSWER OF THE LORD VISCOUNT OF ST. ALBAN.

My very good Lord,

I am sorry to deny your grace any thing; but in this you will pardon me. York House is the house wherein my father died, and wherein I first breathed; and there will I yield my last breath, if so please God, and the king will give me leave; though I be now by fortune (as the old proverb is) like a bear in a monk's hood. At least no money, no value, shall make me part with it. Besides, as I never denied it to my lord marquis, so yet the difficulty I made was so like a denial, as I owe unto my great love and respect to his lordship a denial to all my other friends; among whom, in a very near place next his lordship, I ever accounted of your grace. So, not doubting that you will continue me in your former love and good affection, I rest

Your grace's, to do you humble
service, affectionate, &c.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

As my hopes, since my misfortunes, have proceeded of your lordship's mere motion, without any petition of mine, so I leave the times and the

* January 6, 1621-2. *Camdeni Annales Regis Jacobi I.*, p. 77.

† Camden, *ubi supra*, says, that "the earl was ordered to confine himself to the Lord Viscount Wellingford's house, or neighbourhood."

ways to the same good mind of yours. True it is, a small matter for my debts would do me more good now than double a twelvemonth hence. I have lost six thousand pounds by year, besides caps and courtesies. But now a very moderate proportion would suffice; for I still bear a little of the mind of a commissioner of the treasury, not to be overchargeable to his majesty; and two things I may assure your lordship of: the one, that I shall lead such a course of life, as whatsoever the king doth for me shall rather sort to his majesty's and your lordship's honour, than to envy: the other, that whatsoever men talk, I can play the good husband, and the king's bounty shall not be lost. If your lordship think good the prince should come in to help, I know his highness wisheth me well; if you will let me know when, and how he may be used. But the king is the fountain, who, I know is good.

God prosper you.

Your lordship's most bounden
and faithful,
FR. ST. ALBAN.

Gorhambury, January 30, 1621.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

Your lordship dealeth honourably with me in giving me notice, that your lordship is provided of a house,* whereby you discontinue the treaty your lordship had with me for York House, although I shall make no use of this notice, as to deal with any other. For I was ever resolved your lordship should have had it, or no man. But your lordship doth yet more nobly, in assuring me, you never meant it with any the least inconvenience to myself. May it please your lordship likewise to be assured from me, that I ever desired you should have it, and do still continue of the same mind.

I humbly pray your lordship to move his majesty to take commiseration of my long imprisonment. When I was in the Tower, I was nearer help of physic; I could parley with my creditors; I could deal with friends about my business; I could have helps at hand for my writings and studies, wherein I spend my time; all which here fail me. Good my lord, deliver me out of this: me, who am his majesty's devout beadsman, and

Your lordship's most obliged friend
and faithful servant,
FR. ST. ALBAN.

Gorhambury, this 3d of Feb., 1621.

* Mr. Chamberlain, in a MS. letter to Sir Dudley Carleton, dated at London, January 19, 1621-2, mentions, that the Marquis of Buckingham had contracted with the Lord and Lady Wallingford, for their house near Whitehall, for some money.

TO THE LORD VISCOUNT ST. ALBAN.

MAY IT PLEASE YOUR LORDSHIP,

Remembering that the letter your lordship put yesterday into my hand was locked up under two or three seals, it ran in my head, that it might be business of importance, and require haste; and not finding Mr. Matthew in town, nor any certainty of his return till Monday or Tuesday, I thought it became me to let your lordship know it, that so I might receive your lordship's pleasure (if need were) to send it by as safe a hand as if it had three seals more.

My lord, I saw Sir Arthur Ingram, who let fall somewhat, as if he could have been contented to have received a letter by me from your lordship, with something in it like an acknowledgment to my lord treasurer,* that by his means you had received a kind letter from my lord marquis. But, in the close, he came about, and fell rather to excuse what was left out of the letter, than to please himself much with what was within it. Only, indeed, he looked upon me, as if he did a little distrust my good meaning in it. But that is all one to me; for I have been used to it of late from others, as well as from him. But persons apt to be suspicious may well be borne with; for certainly they trouble themselves most, and lose most by it. For of such it is a hard question, whether those be fewest whom they trust, or those who trust them. But for him, and some others, I will end in a wish, that, as to your lordship's service, they might prove but half so much honester, as they think themselves wiser, than other men.

It is doubtful whether the king will come to-morrow or not; for they say he is full of pain in his feet.

My lord marquis came late to town last night, and goeth back this evening; and Sir Edward Sackville watcheth an opportunity to speak with him before he go. However, he wisheth that your lordship would lose no time in returning an answer, made all of sweetmeats, to my lord marquis's letter, which, he is confident, will be both tasted and digested by him. And Sir Edward wisheth that the other letter to my lord marquis, for presenting your discourse of laws to his majesty, might follow the first. I humbly rest

Your lordship's forever truly
to honour and serve you,
THO. MEAUTYS.

Martii 3, 1621.

TO THE LORD VISCOUNT ST. ALBAN.

IT MAY PLEASE YOUR LORDSHIP,

I had not failed to appear this night, upon your lordship's summons, but that my stay till to-

* Lionel, Lord Cranfield, made Lord Treasurer in October, 1621.

morrow, I knew, would mend my welcome, by bringing Mr. Matthew, who means to dine with your lordship only, and so to rebound back to London, by reason my Lord Digby's journey calls for him on the sudden. Neither yet was this all that stayed me; for I hear somewhat that I like reasonably well; and yet I hope it will mend too; which is, that my lord marquis hath sent you a message by my Lord of Falkland, (which is a far better hand than my lord treasurer's,) that gives you leave to come presently to Highgate: and Sir Edward Sackville, speaking for the other five miles, my lord commended his care and zeal for your lordship, but silenced him thus: "Let my lord be ruled by me: it will be never the worse for him." But my lord marquis saying farther to him, "Sir Edward, however you play a good friend's part for my Lord St. Alban, yet I must tell you, I have not been well used by him." And Sir Edward desiring of him to open himself in whatsoever he might take offence at; and, withal, taking upon him to have known so much, from time to time, of your lordship's heart, and endeavours towards his lordship, as that he doubted not but he was able to clear any mist that had been cast before his lordship's eyes by your enemies; my lord marquis, by this time being ready to go to the Spanish ambassador's to dinner, broke off with Sir Edward, and told him, that after dinner he would be back at Wallingford House, and then he would tell Sir Edward more of his mind; with whom I have had newly conference at large, and traced out to him, as he desired me, some particulars of that which they call a treaty with my lord treasurer about York House, which Sir Edward Sackville knows how to put together, and make a smooth tale of it for your lordship: and this night I shall know all from him, and to-morrow, by dinner, I shall not fail to attend your lordship: till when, and ever, I rest

Your lordship's in all truth
to honour and serve you,
T. Meautys.

Endorsed,
Received, March 11.

TO HENRY CARY, LORD VISCOUNT FALKLAND.*

My very good Lord,

Your lordship's letter was the best letter I received this good while, except the last kind letter from my Lord of Buckingham, which this confirmeth. It is the best accident, one of them, amongst men, when they hap to be obliged to those, whom naturally and personally they love, as I ever did your lordship; in troth not many between my lord marquis and yourself; so that the sparks of my affection shall ever rest quick, under the ashes of my fortune, to do you service; and wishing to your fortune and family all good,

Your lordship's most affectionate
and much obliged, etc.

I pray your lordship to present my humble service and thanks to my lord marquis, to whom, when I have a little paused, I purpose to write; as likewise to his majesty, for whose health and happiness, as his true beadsman, I most frequently pray.

Endorsed, March 11.
Copy of my answer to Lord Falkland.

TO THE LORD TREASURER.*

My very good Lord,

I have received, by my noble friend, my Lord Viscount Falkland, advertisement, as from my lord marquis, of three things; the one, that upon his lordship's motion to his majesty, he is graciously pleased to grant some degree of release of my confinement. The second, that if I shall gratify your lordship, who, my lord understandeth, are desirous to treat with me about my house at London, with the same, his lordship will take it as well as if it was done to himself. The third, that his majesty hath referred unto your lordship the consideration of the relief of my poor estate. I have it also from other part, yet by such, as have taken it immediately from my lord marquis, that your lordship hath done me to the king very good offices. My lord, I am much bounden to you: wherefore, if you shall be pleased to send Sir Arthur Ingram, who formerly moved me in it for your lordship, to treat farther with me, I shall let your lordship see how affectionately I am desirous to pleasure your lordship after my Lord of Buckingham.

So, wishing your lordship's weighty affairs, for his majesty's service, a happy return to his majesty's contentment and your honour, I rest

Your lordship's very affectionate
to do you service,
Fr. St. Alban.

Endorsed, March 12,
To the Lord Treasurer.

TO THE LORD TREASURER.

My very good Lord,

The honourable correspondence, which your lordship hath been pleased to hold with my noble and constant friend, my lord marquis, in furthering his majesty's grace towards me, as well concerning my liberty as the consideration of my poor estate, hath very much obliged me to your lordship, the more by how much the less likelihood there is, that I shall be able to merit it at

* Appointed Lord Deputy of Ireland, September 8, 1622.

* Lionel, Lord Cranfield.

your lordship's hands. Yet, thus much I am glad of, that this course, your lordship holds with me, doth carry this much upon itself, that the world shall see in this, amongst other things, that you have a great and noble heart.

For the particular business of York House, Sir Arthur Ingram can bear me witness, that I was ready to leave the conditions to your lordship's own making: but since he tells me plainly, that your lordship will by no means have to be so, you will give me leave to refer it to Sir Arthur Ingram, who is so much your lordship's servant, and no less faithful friend to me, and understands value well, to set a price between us.

For the reference his majesty hath been graciously pleased, at my lord marquis's suit, to make unto your lordship, touching the relief of my poor estate,* which my Lord of Falkland's letter hath signified, warranting me likewise to address myself to your lordship touching the same; I humbly pray your lordship to give it despatch, my age, health, and fortunes, making time to me therein precious. Wherefore, if your lordship (who knoweth best what the king may best do) have thought of any particular, I would desire to know from your lordship: otherwise I have fallen myself upon a particular, which I have related to Sir Arthur, and, I hope, will seem modest, for my help to live and subsist. As for somewhat towards the paying off my debts, which are now my chief care, and without charge of the king's coffers, I will not now trouble your lordship; but purposing to be at Chiswick, where I have taken a house, within this sevennight, I hope to wait upon your lordship, and to gather some violets in your garden, and will then impart unto you, if I have thought of any thing of that nature for my good.

So, I ever rest, etc.

THOMAS MEAUTYS, ESQ., TO THE LORD VISCOUNT ST. ALBAN.*

MAY IT PLEASE YOUR LORDSHIP,

I have been attending upon my lord marquis's minutes for the signing of the warrant. This day he purposed in earnest to have done it; but it falls out untowardly, for the warrant was drawn, as your lordship remembers, in haste at Gorhambury, and in as much haste delivered to Sir Edward Sackville, as soon as I alighted from my horse, who instantly put it into my lord marquis's hands, so that no copy could possibly be taken of it by me. Now his lordship hath searched much for it, and is yet at a loss, which I knew not till six this evening: and because your lordship drew it with caution, I dare not venture it upon my memory to carry level what your lordship wrote, and, therefore, despatched away this messenger, that so your lordship, by a fresh post, (for this may hardly do it,) may send a warrant to your mind, ready drawn, to be here to-morrow by seven o'clock, as Sir Arthur* tells me my lord marquis hath directed: for the king goes early to Hampton Court, and will be here on Saturday.

Your books† are ready, and passing well bound up. If your lordship's letters to the king, prince, and my lord marquis were ready, I think it were good to lose no time in their delivery; for the printer's fingers itch to be selling.

My lady hath seen the house at Chiswick, and they make a shift to like it: only she means to come to your lordship thither, and not to go first: and, therefore, your lordship may please to make the more haste, for the great lords long to be in York House.

Mr. Johnson will be with your lordship to-morrow; and then I shall write the rest.

Your lordship's in all humbleness
and honour to serve you.

TO THOMAS MEAUTYS, ESQ.

GOOD MR. MEAUTYS,

For the difference of the warrant, it is not material at the first. But I may not stir till I have it; and, therefore, I expect it to-morrow.

For my Lord of London's‡ stay, there may be an error in my book;§ but I am sure there is none in me, since the king had it three months by him, and allowed it; if there be any thing to be mended, it is better to be espied now than hereafter.

I send you the copies of the three letters, which you have; and, in mine own opinion, this demur, as you term it, in my Lord of London, maketh it more necessary than before, that they were delivered, specially in regard they contain withal my thanks. It may be signified they were sent before I knew of any stay; and being but in those three hands, they are private enough. But this I leave merely at your discretion, resting

Your most affectionate and assured friend,
FR. ST. ALBAN.

March 21, 1621.

TO MR. TOBIE MATTHEW.

GOOD MR. MATTHEW,

I do make account, God willing, to be at Chiswick on Saturday; or, because this weather is terrible to one that hath kept much in, Monday.

* The Lord Viscount St Alban, in a letter to the king, from Gorhambury, 20th of March, 1621-2, thanks his majesty for *referring the consideration of his broken estate to his good lord, the lord treasurer*

* Ingram.
† History of the reign of King Henry VII.
‡ Dr. George Mountain.
§ His History of the reign of King Henry VII.

In my letter of thanks to my lord marquis, which is not yet delivered, but to be forthwith delivered, I have not forgotten to mention, that I have received signification of his noble favour and affection, amongst other ways, from yourself, by name. If, upon your repair to the court, (whereof I am right glad,) you have any speech with the marquis of me, I pray place the alphabet (as you can do it right well) in a frame, to express my love faithful and ardent towards him. And, for York House, that whether in a straight line, or a compass line, I meant it his lordship in the way which I thought might please him best. I ever rest

Your most affectionate and assured friend,

FR. ST. ALBAN.

March 21, 1621.

TO THE QUEEN OF BOHEMIA.

IT MAY PLEASE YOUR MAJESTY,

I find in books (and books I dare allege to your majesty, in regard of your singular ability to read and judge of them even above your sex) that it is accounted a great bliss for a man to have leisure with honour. That was never my fortune, nor is. For time was, I had honour without leisure; and now I have leisure without honour. And I cannot say so neither altogether, considering there remain with me the marks and stamp of the king's, your father's, grace, though I go not for so much in value as I have done. But my desire is now to have leisure without loitering, and not to become an abbey-lubber, as the old proverb was, but to yield some fruit of my private life. Having therefore written the reign of your majesty's famous ancestor, King Henry the Seventh; and it having passed the file of his majesty's judgment, and been graciously also accepted of the prince, your brother, to whom it is dedicated, I could not forget my duty so far to your excellent majesty, (to whom, for that I know and have heard, I have been at all times so much bound, as you are ever present with me, both in affection and admiration,) as not to make unto you, in all humbleness, a present thereof, as now being not able to give you tribute of any service. If King Henry the Seventh were alive again, I hope verily he could not be so angry with me for not flattering him, as well pleased in seeing himself so truly described in colours that will last, and be believed. I most humbly pray your majesty graciously to accept of my good will; and so, with all reverence, kiss your hands, praying to God above, by his divine and most benign providence, to conduct your affairs to happy issue; and resting

Your majesty's most humble
and devoted servant,

FR. ST. ALBAN.

April 20, 1622.

SIR EDWARD SACKVILLE, TO THE LORD VISCOUNT ST. ALBAN.

MY VERY HONOURED LORD,

Longing to yield an account of my stewardship, and that I had not buried your talent in the ground, I waited yesterday the marquis's pleasure, until I found a fit opportunity to importune some return of his lordship's resolution. The morning could not afford it; for time only allowed leave to tell him, I would say something. In the afternoon I had amends for all. In the forenoon he laid the law, but in the afternoon he preached the gospel; when, after some revivations of the old distaste concerning York House, he most nobly opened his heart unto me, wherein I read that which argued much good towards you. After which revelation, the book was again sealed up, and must, in his own time, only by himself be again manifested unto you. I have leave to remember some of the vision, and am not forbidden to write it. He vowed, not courtlike, but constantly, to appear your friend so much, as, if his majesty should abandon the care of you, you should share his fortune with him. He pleased to tell me, how much he had been beholden to you; how well he loved you; how unkindly he took the denial of your house, (for so he will needs understand it.) But the close, for all this, was harmonious, since he protested he would seriously begin to study your ends, now that the world should see he had no ends on you. He is in hand with the work, and therefore will, by no means, accept of your offer; though I can assure you, the tender hath much won upon him, and mellowed his heart towards you; and your genius directed you right, when you wrote that letter of denial unto the duke.* The king saw it; and all the rest; which made him say unto the marquis, you played an after game well; and that now he had no reason to be much offended.

I have already talked of the revelation, and now am to speak in apocalyptical language, which I hope you will rightly comment; whereof, if you make difficulty, the bearer† can help you with the key of the cipher.

My Lord Falkland, by this time, hath showed you London from Highgate. If York House were gone, the town were yours; and all your straitest shackles cleared off, besides more comfort than the city air only. The marquis would be exceedingly glad the treasurer had it. This I know; but this you must not know from me. Bargain with him presently, upon as good conditions as you can procure, so you have direct motion from the marquis to let him have it. Seem not to dive into the secret of it; though you are purblind if you see not through it. I have told Mr. Meautys, how I would wish your lordship to make an end of it. From him, I beseech you,

* Of Lenox, of the 30th of January, 1621-2.
† Probably Mr Meautys.

take it, and from me only the advice to perform it. If you part not speedily with it, you may defer the good, which is approaching near you, and disappointing other aims, (which must either shortly receive content, or never,) perhaps anew yield matter of discontent, though you may be indeed as innocent as before. Make the treasurer believe, that since the marquis will by no means accept of it, and that you must part with it, you are more willing to pleasure him than anybody else, because you are given to understand my lord marquis so inclines; which inclination, if the treasurer shortly send unto you about it, desire may be more clearly manifested, than as yet it hath been; since, as I remember, none hitherto hath told you *in terminis terminantibus*, that the marquis desires you should gratify the treasurer. I know that way the hare runs; and that my lord marquis longs until Cranfield hath it; and so I wish too, for your good, yet would not it were absolutely passed, until my lord marquis did send, or write, unto you, to let him have it; for then, his so disposing of it were but the next degree removed from the immediate acceptance of it, and your lordship freed from doing it otherwise than to please him, and to comply with his own will and way.

I have no more to say, but that I am, and ever will be

Your lordship's most affectionate friend
and humble servant,
E. SACKVILLE.

Endorsed,
Received the 11th of May, 1622.

TO THE LORD KEEPER, DR. WILLIAMS, BISHOP OF LINCOLN.

MY VERY GOOD LORD,

I understand there is an extent prayed against me, and a surety of mine, by the executors of one Harrys, a goldsmith. The statute is twelve years old, and falleth to an executor, or an executor of an executor, I know not whether. And it was sure a statute collected out of a shop-debt, and much of it paid. I humbly pray your lordship, according to justice and equity, to stay the extent, being likewise upon a double penalty, till I may better inform myself touching a matter so long past; and, if it be requisite, put in a bill, that the truth of the account appearing, such satisfaction may be made as shall be fit. So I rest

Your lordship's affectionate
to do you faithful service,
FR. ST. ALBAN.

May 30, 1622.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I thought it appertained to my duty, both as a subject and as he that took once the oath of counsellor, to make known to your lordship an advertisement which came to me this morning. A gentleman, a dear friend of mine, whom your lordship cannot but imagine, though I name him not, told me thus much, that some English priests that negotiated at Rome to facilitate the dispensation, did their own business, (that was his phrase;) for they negotiated with the pope to erect some titulary bishops for England, that might ordain, and have other spiritual faculties; saying withal most honestly, that he thought himself bound to impart this to some counsellor, both as a loyal subject, and as a Catholic; for that he doubted it might be a cause to cross the graces and mercies which the Catholics now enjoy, if it be not prevented: and he asked my advice, whether he should make it known to your lordship, or to my lord keeper,* when he came back to London. I commended his loyalty and discretion, and wished him to address himself to your lordship, who might communicate it with my lord keeper, if you saw cause, and that he repaired to your lordship presently, which he resolved to do. Nevertheless, I did not think mine own particular duty acquitted, except I certified it also myself, borrowing so much of private friendship in a cause of state, as not to tell him I would do so much.

Endorsed,
My letter to my lord marquis, touching the business of estate advertised by Mr. Matthew.†

TO THE LORD VISCOUNT ST. ALBAN.

MY MOST HONOURED LORD,

I come in these to your lordship with the voice of thanksgiving for the continuance of your accustomed noble care of me and my good, which overtakes me, I find, whithersoever I go. But for the present itself, (whereof your lordship writes,) whether or no it be better than that I was wont to bring your lordship, the end only can prove. For I have yet no more to show for it than good words, of which many times I brought your lordship good store. But because *modicefideans* were not made to thrive in court, I mean to lose no time from assailing my lord marquis, for which purpose I am now hovering about New-hall,‡ where his lordship is expected (but not the king) this day, or to-morrow: which place, as your

* Dr. Williams, Bishop of Lincoln.

† The date of this letter may be pretty nearly determined by one of the lord keeper to the Marquis of Buckingham, dated August 23, 1622, and printed in the *Cabala*. The postscript to that letter is as follows: "The Spanish ambassador took the alarm very speedily of the titulary Roman bishop; and before my departure from his house at Islington, whither I went privately to him, did write both to Rome and Spain to prevent it. But I am afraid that Toble will prove but an apocryphal, and no canonical, intelligencer, acquainting the state with this project for the Jesuits' rather than for Jesus's sake."

‡ In Essex.

lordship adviseth, may not be ill chosen for my business. For, if his lordship be not very thick of hearing, sure New-hall will be heard to speak for me.

And now, my good lord, if any thing make me diffident, or indeed almost indifferent how it succeeds, it is this; that my sole ambition having ever been, and still is, to grow up only under your lordship, it is become preposterous, even to my nature and habit, to think of prospering, or receiving any growth, either without or besides your lordship. And, therefore, let me claim of your lordship to do me this right, as to believe that which my heart says, or rather swears to me, namely, that what addition soever, by God's good providence, comes at any time to my life or fortune, it is, in my account, but to enable me the more to serve your lordship in both; at whose feet I shall ever humbly lay down all that I have, or am, never to rise thence other than

Your lordship's in all duty
and reverent affections,
T. MEAUTYS.

September 11, 1622.

TO THE COUNTESS OF BUCKINGHAM,* MOTHER TO THE MARQUIS OF BUCKINGHAM.

MY VERY HONOURABLE GOOD LADY,

Your ladyship's late favour and noble usage towards me were such, as I think your absence a great part of my misfortunes. And the more I find my most noble lord, your son, to increase in favour towards me, the more out of my love to him, I wish he had often by him so loving and wise a mother. For if my lord were never so wise, as wise as Solomon; yet, I find, that Solomon himself, in the end of his Proverbs, sets down a whole chapter of advices that his mother taught him.

Madam, I can but receive your remembrance with affection, and use your name with honour, and intend you my best service, if I be able, ever resting

Your ladyship's humble
and affectionate servant,
FR. ST. ALBAN.

Bedford House, this 29th of October, 1622.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I have many things to thank your lordship for, since I had the happiness to see you; that your lordship, before your going out of town, sent my memorial to my lord treasurer: that your lordship offered, and received, and presented my petition to the king, and procured me a reference: that your lordship moved his majesty, and obtained for me access to him, against his majesty comes next, which, in mine own opinion, is better than if it had been now, and will be a great comfort to me, though I should die next day after: that your lordship gave me so good English for my Latin book. My humble request is, at this time, that because my lord treasurer keepeth yet his answer in suspense, (though by one he useth to me, he speaketh me fair,) that your lordship would nick it with a word: for if he do me good, I doubt it may not be altogether of his own. God ever prosper you.

Your lordship's most bounden
and faithful servant,
FR. ST. ALBAN.

4th of November, 1622.

TO THE LORD VISCOUNT ST. ALBAN.

MY MOST HONOURED LORD,

Since my last to your lordship, I find by Mr. Johnson, that my lord treasurer is not twice in one mind, or Sir Arthur Ingram not twice in one tale. For, Sir Arthur, contrary to his speech but yesterday with me, puts himself now, as it seems, in new hopes to prevail with my lord treasurer for your lordship's good and advantage, by a proposition sent by Mr. Johnson, for the altering of your patent to a new mould, more safe than the other, which he seemed to dissuade, as I wrote to your lordship. I like my lord treasurer's heart to your lordship, so much every day worse than other, especially for his coarse usage of your lordship's name in his last speech, as that I cannot imagine he means you any good. And, therefore, good my lord, what directions you shall give herein to Sir Arthur Ingram, let them be as safe ones as you can think upon; and that your lordship surrender not your old patent, till you have the new under seal, lest my lord keeper should take toy, and stop it there. And I know your lordship cannot forget they have such a savage word among them as *fleecing*. God in heaven bless your lordship from such hands and tongues; and then things will mend of themselves.

Your lordship's, in all humbleness,
to honour and serve you,
T. MEAUTYS.

This Sunday morning.

Endorsed—25th of November, 1622.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I find my lord treasurer, after so many days and appointments, and such certain messages and pro-

* Mary, daughter of Anthony Beaumont, a younger son of William Beaumont of Cole-Orton, in Leicestershire. She was thrice married: 1, to Sir George Villiers, father of the Duke of Buckingham; 2, to Sir William Rayner; and, 3, to Sir Thomas Compton, Knight of the Bath, a younger brother of William, Earl of Northampton. She was created Countess of Buckingham, July 1, 1618; and died April 19, 1632.

mises, doth but mean to coax me, (it is his own word of old,) and to saw me asunder, and to do just nothing upon his majesty's gracious reference, nobly procured by your lordship for this poor remnant. My lord, let it be your own deed; and to use the prayers of the litany, good Lord, deliver me from this servile dependence; for I had rather beg and starve, than be fed at that door. God ever prosper your lordship.

Your lordship's most bounden
and faithful servant,
FR. ST. ALBAN.

Bedford House, this

Endorsed,

To Buckingham, about Lord Treasurer Cranfield's using of him.

TO THE MARQUIS OF BUCKINGHAM.

EXCELLENT LORD,

I perceive this day by Mr. Comptroller,* that I live continually in your lordship's remembrance and noble purposes concerning my fortunes, as well for the comfort of my estate, as for countenancing me otherwise by his majesty's employments and graces; for which I most humbly kiss your hands, leaving the times to your good lordship; which, considering my age and wants, I assure myself your lordship will the sooner take into your care. And for my house at Gorhambury, I do infinitely desire your lordship should have it; and howsoever I may treat, I will conclude with none, till I know your lordship's farther pleasure, ever resting

Your lordship's obliged
and faithful servant,
FR. ST. ALBAN.

Bedford House, this 5th of Feb. 1622.†

TO THE LORD VISCOUNT ST. ALBAN.

MY VERY GOOD LORD,

I have received by this bearer, the privy seal for the survey of coals, which I will lay aside, until I shall hear farther from my Lord Steward,‡ and the rest of the lords.

I am ready to do as much as your lordship desireth, in keeping Mr. Cotton§ off from the violence of those creditors: only himself is, as yet, wanting in some particular directions.

I heartily thank your lordship for your book; and all other symbols of your love and affection, which I will endeavour, upon all opportunities, to deserve: and in the mean time do rest

Your lordship's assured faithful
poor friend and servant,
JO. LINCOLN, C. S.

Westminster College, this 7th of Feb., 1622.

* Henry Cary, Viscount Falkland.

† Two days before, the Marquis of Buckingham set out privately with the prince, for Spain.

‡ Duke of Lenox.

§ Probably the surety of Lord Bacon for the debt to Harrys the goldsmith, mentioned in his lordship's letter of May 30, 1622.

TO THE MARQUIS OF BUCKINGHAM.

EXCELLENT LORD,

Though your lordship's absence* fall out in an ill time for myself; yet, because I hope in God this noble adventure will make your lordship a rich return in honour, abroad and at home, and chiefly in the inestimable treasure of the love and trust of that thrice-excellent prince; I confess I am so glad of it, as I could not abstain from your lordship's trouble in seeing it expressed by these few and hasty lines.

I beseech your lordship, of your nobleness vouchsafe to present my most humble duty to his highness, who, I hope, ere long will make me leave King Henry the Eighth, and set me on work in relation of his highness's adventures.

I very humbly kiss your lordship's hands, resting ever

Your lordship's most obliged
friend and servant.

February 21, 1622.

TO THE MARQUIS OF BUCKINGHAM.

EXCELLENT LORD,

Upon the repair of my Lord of Rochford unto your lordship, whom I have ever known so fast and true a friend and servant unto you; and who knows likewise so much of my mind and affection towards your lordship, I could not but kiss your lordship's hands, by the duty of these few lines.

My lord, I hope in God, that this your noble adventure will make you a rich return, especially in the inestimable treasure of the love and trust of that twice-excellent prince. And although, to a man that loves your lordship so dearly as I do, and knows somewhat of the world, it cannot be, but that in my thoughts there should arise many fears, or shadows of fears, concerning so rare an accident; yet, nevertheless, I believe well, that this your lordship's absence will rather be a glass unto you, to show you many things, whereof you may make use hereafter, than otherwise any hurt or hazard to your fortunes; which God grant. For myself, I am but a man desolate till your return, and have taken a course accordingly. Vouchsafe, of your nobleness, to remember my most humble duty to his highness. And so God, and his holy angels guard you, both going and coming.

Endorsed—March 10, 1622.

* In Spain.

TO SIR FRANCIS COTTINGTON, SECRETARY TO THE PRINCE.

GOOD MR. SECRETARY,

Though I wrote so lately unto you, by my Lord Rochford; yet, upon the going of my Lord Vaughan,* the prince's worthy and trusty servant, and my approved friend, and your so near ally, I could not but put this letter into his hand, commending myself and my fortunes unto you. You know the difference of obliging men in prosperity and adversity, as much as the sowing upon a pavement and upon a furrow new made. Myself for quiet, and the better to hold out, am retired to Gray's Inn:† for when my chief friends were gone so far off, it was time for me to go to a cell. God send us a good return of you all.

I ever rest, &c.

My humble service to my lord marquis, to whom I have written twice. I would not cloy him. My service also to the Count Gondomar, and Lord of Bristol.

Endorsed,

To Mr. Secretary, Sir Francis Cottington, March 22, 1622.

TO THE KING.

IT MAY PLEASE YOUR MAJESTY,

Now that my friend is absent, (for so I may call him still, since your majesty, when I waited on you, told me, that fortune made no difference,) your majesty remaineth to me king, and master, and friend, and all. Your beadsman therefore addresseth himself to your majesty for a cell to retire into. The particular I have expressed to my very friend, Mr. Secretary Conway. This help, which costs your majesty nothing, may reserve me to do your majesty service, without being chargeable unto you; for I will never deny but my desire to serve your majesty is of the nature of the heart, that will be *ultimum moriens* with me.

God preserve your majesty, and send you a good return of the treasure abroad, which passeth all Indian fleets.

Your majesty's most humble
and devoted servant,

March 25, 1623. FR. ST. ALBAN.

Endorsed,

To the king, touching the Provostship of Eton.‡

* He was son and heir of Walter Vaughan, of Golden Grove, in Caermarthenshire, Esq.; and was created Lord Vaughan, in the year 1620. The Lord St. Alban, after he was delivered from his confinement in the Tower, was permitted to stay at Sir John Vaughan's house, at Parson's Green, near Fulham.

† In a MS. letter of Mr. Chamberlain to Sir Dudley Carleton, dated at London, March 8, 1622-3, is the following passage: "The Lord of St. Alban is in his old remitter, and came to lie in his old lodgings in Gray's Inn; which is the fulfilling of a prophecy of one Locke, a familiar of his, of the same house, that knew him *intus et in cute:* who, seeing him go thence in pomp, with the great seal before him, said to divers of his friends, *we shall live to have him here again.*"

‡ Mr. Thomas Murray, the provost of that college, having been cut for the stone, died April 1, 1623.

TO MR. SECRETARY CONWAY.

GOOD MR. SECRETARY,

When you did me the honour and favour to visit me, you did not only in general terms express your love unto me, but, as a real friend, asked me whether I had any particular occasion, wherein I might make use of you? At that time I had none: now there is one fallen. It is, that Mr. Thomas Murray, Provost of Eton, (whom I love very well,) is like to die. It were a pretty cell for my fortune. The college and school, I do not doubt, but I shall make to flourish. His majesty, when I waited on him, took notice of my wants, and said to me, that, as he was a king, he would have care of me: this is a thing somebody would have, and costs his majesty nothing. I have written two or three words to his majesty, which I would pray you to deliver. I have not expressed this particular to his majesty, but referred it to your relation. My most noble friend, the marquis, is now absent. Next to him I could not think of a better address than to yourself, as one likest to put on his affection. I rest

Your honour's very affectionate friend,

FR. ST. ALBAN.*

Gray's Inn, the 25th of March, 1623.

TO THE MARQUIS OF BUCKINGHAM, IN SPAIN.

EXCELLENT LORD,

Finding so trusty a messenger as Sir John Epsley, I thought it my duty to put these few lines into his hands. I thank God, that those shadows, which either mine own melancholy, or my extreme love to your lordship, did put into my mind concerning this voyage of the prince and your lordship, rather vanish and diminish than otherwise. The gross fear is past of the passage of France. I think you had the ring which they write of, that, when the seal was turned to the palm of the hand, made men go invisible. Neither do I hear of any novelty here worth the esteeming.

There is a general opinion here that your lordship is like enough to return, and go again, before the prince come: which opinion, whether the business lead you to do so, or no, doth no hurt; for it keeps men in awe.

I find, I thank God, some glimmering of the

* To this letter Secretary Conway wrote an answer, acquainting the Lord Viscount St. Alban, that the king could not value his lordship so little, or conceive that he limited his desires so low; in which, however, he should have been gratified, had not the king been engaged, by the Marquis of Buckingham, for Sir William Becher, his agent in France.—See *Account of the Life of Lord Bacon*, p. 26, prefixed to the edition of his *Letters, Memoirs*, &c., by Robert Stephens, Esq. The Duke of Buckingham himself, likewise, after his return from Spain, in a letter to the Lord Viscount St. Alban, dated at Hinchinbrook, October 27, 1623, expresses his concern that he could do his lordship no service in that affair, "having engaged myself," says he, "to Sir William Becher, before my going into Spain; so that I cannot free myself, unless there were means to give him satisfaction."

king's favour, which your lordship's noble work of my access, no doubt, did chiefly cherish. I am much bound to Mr. Secretary Conway. It is wholly for your lordship's sake, for I had no acquaintance with him in the world. By that I see of him, he is a man fit to serve a great king, and fit to be a friend and servant to your lordship. Good my lord, write two or three words to him, both of thanks, and a general recommendation of me unto him.

Vouchsafe, of your nobleness, to present my most humble duty to his highness. We hear he is fresh in his person, and becomes this brave journey in all things. God provide all things for the best.

I ever rest, &c.

Endorsed—March 30, 1623.

TO MR. SECRETARY CONWAY.

Good Mr. Secretary,

I am much comforted by your last letter, wherein I find that his majesty, of his mere grace and goodness, vouchsafeth to have a care of me, a man out of sight, out of use; but yet his, as the Scripture saith, God knows those that are his. In particular, I am very much bound to his majesty (and I pray you, sir, thank his majesty most humbly for it) that, notwithstanding the former designment of Sir William Becher,* his majesty (as you write) is not out of hope, in due time, to accommodate me of this cell, and to satisfy him otherwise. Many conditions, no doubt, may be as contenting to that gentleman, and his years may expect them. But there will hardly fall, especially in the spent hourglass of my life, any thing so fit for me, being a retreat to a place of study so near London, and where (if I sell my house at Gorhambury, as I purpose to do, to put myself in some convenient plenty) I may be accommodated of a dwelling for summer time. And, therefore, good Mr. Secretary, further this his majesty's good intention, by all means, if the place fall.

For yourself, you have obliged me much. I will endeavour to deserve it: at least your nobleness is never lost; and my noble friend, the marquis, I know, will thank you for it.

I was looking of some short papers of mine touching usury,* to grind the teeth of it, and yet make it grind to his majesty's mill in good sort, without discontentment or perturbation. If you think good, I will send it to his majesty, as the fruit of my leisure. But yet, I would not have it come from me, not for any tenderness in the thing, but because I know, in courts of princes, it is usual, *non res, sed displicet auctor.* God keep your honour, &c.

Endorsed,

To Mr. Secretary Conway, touching the provostship of Eton, March 31, 1623.

* Sir William had not, however, that post, but, in lieu of it, the promise of two thousand five hundred pounds, upon the fall of the first of the six clerks' places, and was permitted to keep his clerkship of the council.—*MS. Letter of Mr. Chamberlain to Sir Dudley Carleton, dated at London, July* 21, 1624. The provostship was given to Sir Henry Wotton, who was instituted into it the 26th of that month, having purchased it by a surrender of a grant of the reversion of the mastership of the rolls, and of another office, which was fit to be turned into present money, which he then, and afterwards, much wanted · [*Life of him by Mr. Isaac Walton*:] for, when he went to the election at Eton, soon after his being made provost, he was so ill provided, that the fellows of the college were obliged to furnish his bare walls, and whatever else was wanting.—*MS. Letter of Mr. Chamberlain, Aug.* 7, 1624.

TO THE EARL OF BRISTOL, AMBASSADOR IN SPAIN.

My very good Lord,

Though I have written to your lordship lately, yet I could not omit to put a letter into so good a hand as Mr. Matthew's, being one that hath often made known unto me how much I am beholden to your lordship; and knoweth, likewise, in what estimation I have ever had your lordship, not according to your fortunes, but according to your inward value. Therefore, not to hold your lordship in this time of so great business, and where I have so good a mean as Mr. Matthew, who, if there be any thing that concerns my fortune, can better express it than myself, I humbly commend myself, and my service to your lordship, resting, &c.

TO SIR FRANCIS COTTINGTON, SECRETARY TO THE PRINCE.

Good Mr. Secretary,

Though I think I have cloyed you with letters, yet, had I written a thousand before, I must add one more by the hands of Mr. Matthew, being as true a friend as any you or I have; and one that made me so happy, as to have the assurance of our friendship; which, if there be any stirring for my good, I pray practise in so good a conjunction as his. I ever rest, &c.

TO MR. TOBIE MATTHEW.

Good Mr. Matthew,

Because Mr. Clarke is the first that hath been sent since your departure, who gave me also the comfortable news, that he met you well, I could not but visit you with my letters, who have so often visited me with your kind conferences.

My health, I thank God, is better than when you left me; and, to my thinking, better than be-

* In his works is published, *A Draught of an Act against an usurious Shift of Gain in delivering of Commodities instead of Money.*

fore my last sickness. This is all I need to write of myself to such a friend.

We hope well, and it is generally rather spoken than believed, that his highness will return very speedily. But they be not the best pieces in painting that are dashed out in haste. I hope, if any thing want in the speed of time, it will be compensed in the fruit of time, that all may sort to the best.

I have written a few words, of duty and respect only, to my lord marquis, and Mr. Secretary. I pray you kiss the Count of Gondomar's hand. God keep you.

Your most affectionate and
assured friend,
FR. ST. ALBAN.

May 2, 1623.

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

I write now only to congratulate with your grace your new honour;* which, because I reckon to be no great matter to your fortune, (though you are the first English duke that hath been created since I was born,) my compliment shall be the shorter. So, having turned almost my hopes of your grace's return by July, into wishes, and not to them neither, if it should be any hazard to your health, I rest, &c.

Vouchsafe, of your nobleness, to present my most humble duty to his highness. Summer is a thirsty time; and sure I am, I shall infinitely thirst to see his highness's and your grace's return.

DUKE OF BUCKINGHAM TO THE LORD VISCOUNT ST. ALBAN.

MY GOOD LORD,

I have received your hearty congratulation for the great honour, and gracious favour which his majesty hath done me: and I do well believe, that no man is more glad of it than yourself.

Tobie Matthew is here; but what with the journey, and what with the affliction he endures, to find, as he says, that reason prevails nothing with these people, he is grown extreme lean, and looks as sharp as an eyas.† Only, he comforts himself with a conceit, that he is now gotten on the other side of the water, where the same reason that is valuable in other parts of the world, is of no validity here; but rather something else, which yet he hath not found out.

I have let his highness see the good expressions of your lordship's care, and faithful affection to his person; and shall ever be ready to do you, in all things, the best service that I can.

So, wishing your lordship much happiness, I rest

Your lordship's faithful friend,
and humble servant,
G. BUCKINGHAM.

Madrid, this 29th of
May, 1623, st. vet.

* The title of duke, conferred on him May, 1623.

† A young hawk, just taken out of the nest.

TO THE DUKE OF BUCKINGHAM, IN SPAIN.*

EXCELLENT LORD,

I humbly thank your grace for your letter of the 29th of May; and that your grace doth believe that no man is gladder of the increase of your honour and fortune than I am; as, on the other part, no man should be more sorry, if it should in the least degree decline, nor more careful, if it should so much as labour. But, of the first, I speak as of a thing that is: but, for the two latter, it is but a case put, which I hope I shall never see. And, to be plain with your grace, I am not a little comforted to observe, that, although in common sense and experience a man would have doubted that some things might have sorted to your prejudice; yet, in particulars we find nothing of it. For, a man might reasonably have feared that absence and discontinuance might have lessened his majesty's favour; no such thing has followed. So, likewise, that any that might not wish you well, should have been bolder with you. But all is continued in good compass. Again, who might not have feared, that your grace being there to manage, in great part, the most important business of Europe, so far from the king, and not strengthened with advice there, except that of the prince himself, and thus to deal with so politic a state as Spain, you should be able to go through as you do? and yet nothing, as we hear, but for your honour, and that you do your part. Surely, my lord, though your virtues be great, yet these things could not be, but that the blessing of God, which is over the king and the prince, doth likewise descend upon you as a faithful servant; and you are the more to be thankful to God for it.

I humbly thank your grace, that you make me live in his highness's remembrance, whom I shall ever bear a heart to honour and serve. And I much joy to hear of the great and fair reputation which at all hands are given him.

For Mr. Matthew, I hope by this time he hath gathered up his crumbs; which importeth much, I assure your grace, if his cure must be, either by finding better reason on that side the line, or by discovering what is the motion, that moveth the wheels, that, if reason do not, we must all pray for his being in good point. But, in truth, my

* The Duke of Buckingham went to Spain, February, 1623, and returned in September.

lord, I am glad he is there; for I know his virtues, and particularly his devotion to your lordship.

God return his highness, and your grace, unto us safe and sound, and according to your heart's desires.

TO MR. TOBIE MATTHEW.

Good Mr. Matthew,

I have received your letter of the 10th of June,* and am exceeding glad to hear you are in so good health. For that which may concern myself, I neither doubt of your judgment in choosing the fittest time, nor of your affection in taking the first time you shall find fit. For the public business, I will not turn my hopes into wishes yet, since you write as you do; and I am very glad you are there, and, as I guess, you went in good time to his lordship.

For your action of the case, it will fall to the ground; for I have not heard from the duke, neither by letter, nor message, at this time.

God keep you. I rest always

Your most affectionate and faithful servant,

Fr. St. Alban.

Gray's Inn, 17th of June, 1623.

I do hear, from Sir Robert Ker and others, how much beholden I am to you.

TO MR. TOBIE MATTHEW.

Good Mr. Matthew,

I thank you for your letter of the 26th of June, and commend myself unto your friendship, knowing your word is good assurance, and thinking I cannot wish myself a better wish, than that your power may grow to your will.

Since you say the prince hath not forgot his commandment, touching my history of Henry VIII., I may not forget my duty. But I find Sir Robert Cotton, who poured forth what he had, in my other work, somewhat dainty of his materials in this.

It is true, my labours are now most set to have those works, which I had formerly published, as that of *Advancement of Learning*, that of *Henry VII.*, that of the *Essays*, being retractate, and made more perfect, well translated into Latin by the help of some good pens, which forsake me not. For these modern languages will, at one time or other, play the bankrupts with books; and since I have lost much time with this age, I would be glad, as God shall give me leave, to recover it with posterity.

For the essay of friendship, while I took your speech of it for a cursory request, I took my promise for a compliment. But since you call for it, I shall perform it.*

*N. S.

I am much beholden to Mr. Gage for many expressions of his love to me; and his company, in itself very acceptable, is the more pleasing to me, because it retaineth the memory of yourself.

This letter of yours, of the 26th, lay not so long by you, but it hath been as speedily answered by me, so as with Sir Francis Cottington I have had no speech since the receipt of it. Your former letters, which I received from Mr. Griesley, I had answered before, and put my letter into a good hand.

For the great business, God conduct it well. Mine own fortune hath taught me expectation.

God keep you.

Endorsed,

To Mr. Matthew, into Spain.

TO MR. TOBIE MATTHEW.

Good Mr. Matthew,

I have received your letter, sent by my Lord of Andover; and, as I acknowledged your care, so I cannot fit it with any thing, that I can think on for myself; for, since Gondomar, who was my voluntary friend, is in no credit, neither with the prince, nor with the duke, I do not see what may be done for me there; except that which Gondomar hath lost you have found; and then I am sure my case is amended: so as, with a great deal of confidence, I commend myself to you, hoping, that you will do what in you lieth, to prepare the prince and duke to think of me, upon their return. And if you have any relation to the infanta, I doubt not but it shall be also to my use. God keep you.

Your most affectionate and assured friend, etc.

TO THE DUKE OF BUCKINGHAM.

Excellent Lord,

Though I have formerly given your grace thanks for your last letter, yet being much refreshed to hear things go so well, whereby we hope to see you here shortly, your errand done, and the prince within the vail, I could not contain, but congratulate with your lordship, seeing good fortune, that is God's blessing, still follow you. I hope I have still place in your love and favour; which if I have, for other place, it shall not trouble me. I ever rest

Your grace's most obliged and faithful servant.

July 22, 1623.

TO THE DUKE OF BUCKINGHAM.

Excellent Lord,

Upon Mr. Clarke's despatch, in troth I was ill in health, as he might partly perceive. There-

* Among his *Essays*, published in 4to, and dedicated to the Duke of Buckingham, is one upon *Friendship*.

fore, I wrote to my true friend, and your grace's devoted servant, Mr. Matthew, to excuse me to your grace for not writing. Since, I thank God, I am pretty well recovered; for I have lain at two wards, one against my disease, the other against my physicians, who are strange creatures.

My lord, it rejoiceth me much, that I understand from Mr. Matthew, that I live in your grace's remembrance; and that I shall be the first man that you will think on upon your return: which, if your grace perform, I hope God Almighty, who hath hitherto extraordinarily blessed you in this rocky business, will bless you the more for my sake. For I have had extraordinary tokens of his divine favour towards me, both in sickness and in health, prosperity and adversity.

Vouchsafe to present my most humble duty to his highness, whose happy arrival will be a bright morning to all.

I ever rest

Your grace's most obliged
and faithful servant,
FR. ST. ALBAN.

Gray's Inn, August 29, 1623.

TO MR TOBIE MATTHEW.

GOOD MR. MATTHEW,

I have gotten a little health; I praise God for it. I have therefore now written to his grace, that I formerly, upon Mr. Clarke's despatch, desired you to excuse me for not writing, and taken knowledge, that I have understood from you, that I live in his grace's remembrance; and that I shall be his first man that he will have care of upon his return. And although your absence be to me as uncomfortable to my mind, as God may make it helpful to my fortunes; yet, it is somewhat supplied by the love, freedom, and often visitations of Mr. Gage; so as, when I have him, I think I want you not altogether. God keep you.

Your most affectionate
and much obliged friend, &c.

MINUTES OF A LETTER TO THE DUKE OF BUCKINGHAM.

THAT I am exceeding glad his grace is come home with so fair a reputation of a sound Protestant, and so constant for the king's honour and errand.

His grace is now to consider, that his reputation will vanish like a dream, except now, upon his return, he do some remarkable act to fix it, and bind it in.

They have a good wise proverb in the country whence he cometh, taken, I think from a gentlewoman's sampler, *Qui en no da nudo, pierdo punto*, "he that tieth not a knot upon his thread, loseth his stitch."

Any particular, I that live in darkness, cannot propound. Let his grace, who seeth clear, make his choice: but let some such thing be done, and then this reputation will stick by him; and his grace may afterwards be at the better liberty to take and leave off the future occasions that shall present.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I send, in all humbleness, to your majesty, the poor fruits of my leisure. This book* was the first thing that ever I presented to your majesty;† and it may be will be last. For I had thought it should have *posthuma proles*. But God hath otherwise disposed for a while. It is a translation, but almost enlarged to a new work. I had good helps for the language. I have been also mine own *index expurgatorius*, that it may be read in all places. For since my end of putting it into Latin was to have it read everywhere, it had been an absurd contradiction to free it in the language, and to pen it up in the matter. Your majesty will vouchsafe graciously to receive these poor sacrifices of him that shall ever desire to do you honour while he breathes, and fulfilleth the rest in prayers.

Your majesty's true beadsman
and most humble servant, &c.

Todos duelos con pan son buenos: itaque det vestra Maiestas obolum Bellisario.

TO THE PRINCE.

IT MAY PLEASE YOUR EXCELLENT HIGHNESS,

I send your highness, in all humbleness, my book of *Advancement of Learning*, translated into Latin, but so enlarged, as it may go for a new work. It is a book, I think, will live, and be a citizen of the world, as English books are not. For Henry the Eighth, to deal truly with your highness, I did so despair of my health this summer, as I was glad to choose some such work, as I might compass within days; so far was I from entering into a work of length. Your highness's return hath been my restorative. When I shall wait upon your highness, I shall give you a farther account. So, I most humbly kiss your highness's hands, resting

Your highness's most devoted servant.

* *De Augmentis Scientiarum*, printed at London, 1623, in fol. The present to King James I. is in the royal library in the British Museum.

† *The two books of Sir Francis Bacon of the Proficiency and Advancement of Learning, Divine and Human*: printed at London, 1605, in 4to.

I would (as I wrote to the duke in Spain) I could do your highness's journey any honour with my pen. It began like a fable of the poets; but it deserveth all in a piece a worthy narration.

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

I desire in this, which I now presume to write to your grace, to be understood, that my bow carrieth not so high, as to aim to advise touching any of the great affairs now on foot, and so to pass it to his majesty through your hands; though it be true, that my good affection towards his majesty and the prince and the public is that which will last die in me; and though I think also his majesty would take it but well, if, having been that man I have been, my honest and loyal mind should sometimes feed upon those thoughts. But my level is no farther, but to do the part of a true friend in advising yourself for your own greatness and safety; although, even in this also, I assure myself I perform a good duty to the public service, unto which I reckon your standing and power to be a firm and sound pillar of support.

First, therefore, my lord, call to mind oft, and consider duly, how infinitely your grace is bound to God in this one point, which I find to be a most rare piece, and wherein, either of ancient or late times, there are few examples; that is, that you are beloved so dearly, both by the king and the prince. You are not as a Lerma, or an Olivares, and many others the like, who have insinuated themselves into the favours of young princes, during the kings', their fathers, time, against the bent and inclination of the kings: but, contrariwise, the king himself hath knit the knot of trust and favour between the prince and your grace, wherein you are not so much to take comfort in that you may seem to have two lives in your own greatness, as in this, that hereby you are enabled to be a noble instrument for the service, contentment, and heart's ease, both of father and son. For where there is so loving and indulgent a father, and so respective and obedient a son, and a faithful and worthy servant, interested in both their favours upon all occasions, it cannot be but a comfortable house. This point your grace is principally to acknowledge and cherish.

Next, that, which I should have placed first, save that the laying open of God's benefits is a good preparation to religion and godliness, your grace is to maintain yourself firm and constant in the way you have begun; which is, in being and showing yourself to be a true and sound Protestant. This is your soul's health. This is that you owe to God above, for his singular favours: and this is that which hath brought you into the good opinion and good will of the realm in general. So that, as your case differeth (as I said) from the case of other favourites, in that you have both king and prince; so in this, that you have also now the hearts of the best subjects, (for I do not love the word people,) your case differeth from your own, as it stood before. And because I would have your reputation in this point complete, let me advise you, that the name of Puritans in a Papist's mouth, do not make you to withdraw your favour from such as are honest and religious men; so that they be not so turbulent and factious spirits, or adverse to the government of the church, though they be traduced by that name. For of this kind is the greatest part of the body of the subjects; and, besides, (which is not to be forgotten,) it is safest for the king and his service, that such men have their dependence upon your grace, who are entirely the king's, rather than upon any other subject.

For the Papists, it is not unknown to your grace, that you are not, at this time, much in their books. But be you like yourself; and far be it from you, under a king and prince of that clemency, to be inclined to rigour or persecution.

But three things must be looked unto: the first, that they be suppressed in any insolency, which may tend either to disquiet the civil estate, or scandalize our church in fact, for, otherwise, all their doctrine doth it in opinion. The second, that there be an end, or limit, of those graces which shall be thought fit for them, and that there be not every day new demands hearkened to. The third, that for those cases and graces, which they have received, or shall receive of the state, the thanks go the right way; that is, to the king and prince, and not to any foreigner. For this is certain, that if they acknowledge them from the state, they may perhaps sit down when they are well. But if they have a dependence upon a foreigner, there will be no end of their growing desires and hopes. And in this point also, your lordship's wisdom and moderation may do much good.

For the match with Spain, it is too great and dark a business for me to judge of. But as it hath relation to concern yourself, I will, as in the rest, deal freely with your grace.

My lord, you owe, in this matter, two debts to the king; the one, that, if in your conscience and judgment you be persuaded it be dangerous and prejudicial to him and his kingdoms, you deliver your soul, and in the freedom of a faithful counsellor, joined with the humbleness of a dutiful servant, you declare yourself accordingly, and show your reasons. The other, that if the king in his high judgment, or the prince in his settled affection, be resolved to have it go on; that then you move in their orb, as far as they shall lay it upon you. But, meanwhile, let me tell your grace, that I am not of the general opinion abroad, that the match must break, or else my

Lord of Buckingham's fortune must break. I am of another opinion; and yet perhaps it will be hard to make you believe it, because both sides will persuade you to the contrary. For they, that would not have it go on, will work upon that conceit, to make you oppose it more strongly. They that would have it go on, will do the same, to make you take up betimes, and come about. But I having good affiance in your grace's judgment, will tell you my reasons, why I thus think, and so leave it. If the match should go on, and put case against your counsel and opinion; doth any man think that so profound a king, and so well seen in the science of reigning, and so understanding a prince, will ever suffer the whole sway of affairs and greatness to go that way? And if not, who should be a fitter person to keep the balance even than your grace, whom the king and prince know to be so entirely their own, and have found so nobly independent upon any other? Surely my opinion is, you are likely to be greater by counterpoise against the Spanish dependence, than you will by concurrence. And, therefore, in God's name, do your duty faithfully and wisely; for behaving yourself well otherwise, as I know you will, your fortune is like to be well either way.

For that excellent lady, whose fortune is so distant from her merits and virtue, the Queen of Bohemia, your grace being, as it were, the first-born, or prime man of the king's creatures, must in consequence owe the most to his children and generations; whereof I know your noble heart hath far greater sense than any man's words can infuse into you. And, therefore, whatsoever liveth within the compass of your duty, and of possibility, will no doubt spring from you out of that fountain.

It is open to every man's discourse, that there are but two ways for the restitution of the palatinate, treaty and arms. It is good, therefore, to consider of the middle acts, which may make either of these ways desperate, to the end they may be avoided in that way which shall be chosen. If no match, either this with Spain, or perhaps some other with Austria, no restitution by treaty. If the Dutch either be ruined, or grow to a peace of themselves with Spain, no restitution by war.

But these things your grace understandeth far better than myself. And, as I said before, the points of state I aim not at farther, than they may concern your grace, to whom, while I live, and shall find it acceptable to you, I shall ever be ready to give the tribute of a true friend and servant, and shall always think my counsels given you happy, if you shall pardon them when they are free; and follow them when they are good.

God preserve and prosper you.

TO THE DUKE OF BUCKINGHAM.*

EXCELLENT LORD,

There is a suit, whereunto I may, as it were, claim kindred, and which may be of credit and profit unto me; and it is an old arrear which is called upon, from Sir Nicolas Bacon, my eldest brother. It may be worth to me perhaps two thousand pounds; and yet I may deal kindly with my brother, and also reward liberally (as I mean to do) the officers of the Exchequer, which have brought it to light. Good my lord obtain it of the king, and be earnest in it for me. It will acquit the king somewhat of his promise, that he would have care of my wants; for hitherto, since my misfortunes, I have tasted of his majesty's mercy, but not of his bounty. But your lordship may be pleased in this, to clear the coast with my lord treasurer; else there it will have a stop. I am almost at last cast for means; and yet it grieveth me most, that at such a time as this, I should not be rather serviceable to your grace, than troublesome.

God preserve and prosper your grace.

Your grace's most obliged
and faithful servant,
FR. ST. ALBAN.

This 23d of January, 1623.

TO THE EARL OF OXFORD.†

MY VERY GOOD LORD,

Let me be an humble suitor to your lordship, for your noble favour. I would be glad to receive my writ this Parliament,‡ that I may not die in dishonour; but by no means, except it should be with the love and consent of my lords to readmit me, if their lordships vouchsafe to think me worthy of their company; or if they think that which I have suffered now these three years, in loss of place, in loss of means, and in loss of liberty for a great time, to be a sufficient expiation for my faults, whereby I may now seem in their eyes to be a fit subject of their grace, as I have been before of their justice. My good lord, the good, which the commonwealth might reap of my suffering, is already inned. Justice is done; an example is made for reformation; the authority of the House for judicature is established. There can be no farther use of my misery; perhaps some little may be of my service; for, I hope I shall be found a man humbled as a Christian, though not dejected as a worldling. I have great opinion of your lordship's power, and great hope, for many reasons, of your favour; which,

* The duke's answer to this letter, dated at Newmarket, the 28th of January, 1623, is printed in Lord Bacon's works.

† Henry Vere, who died in 1625. He was Lord Great Chamberlain of England.

‡ That met February 19, 1623, and was prorogued May 29,

if I may obtain, I can say no more, but nobleness is ever requited in itself; and God, whose special favour in my afflictions I have manifestly found to my comfort, will, I trust, be my paymaster of that which cannot be requited by

Your lordship's affectionate
humble servant, &c.

Endorsed, February 2, 1623.

TO SIR FRANCIS BARNHAM.*

Good Cousin,

Upon a little searching, made touching the patents of the survey of coals, I find matter not only to acquit myself, but likewise to do myself much right.

Any reference to me, or any certificate of mine, I find not. Neither is it very likely I made any; for that, when it came to the great seal, I stayed it. I did not only stay it, but brought it before the council table, as not willing to pass it, except their lordships allowed it. The lords gave hearing to the business, I remember, two several days; and in the end disallowed it, and commended my care and circumspection, and ordered, that it should continue stayed; and so it did all my time.

About a twelvemonth since, my Lord Duke of Lenox, now deceased,† wrote to me to have the privy seal; which, though I respected his lordship much, I refused to deliver to him, but was content to put it into the right hand; that is, to send it to my lord keeper,‡ giving knowledge how it had been stayed. My lord keeper received it by mine own servant, writeth back to me, acknowledging the receipt, and adding, that he would lay it aside until his lordship heard farther from my lord steward,§ and the rest of the lords. Whether this first privy seal went to the great seal, or that it went about again, I know not: but all my part is, that I have related. I ever rest

Your faithful friend and cousin,
Fr. St. Alban.

March 14, 1623.

TO THE DUKE OF BUCKINGHAM.

My Lord,—I am now full three years old in misery; neither hath there been any thing done for me, whereby I might either die out of ignominy, or live out of want. But now, that your grace (God's name be praised for it) hath recovered your health, and are come to the court, and the Parliament business hath also intermission, I firmly hope your grace will deal with his majesty, that as I have tasted of his mercy, I may also taste of his bounty. Your grace, I know, for a business of a private man, cannot win yourself more honour; and I hope I shall yet live to do you service. For my fortune hath (I thank God) made no alteration in my mind, but to the better. I ever rest humbly

Your grace's most obliged
and faithful servant,
Fr. St. Alban.

If I may know by two or three words from your grace, that you will set in for me, I will propound somewhat that shall be modest, and leave it to your grace, whether you will move his majesty yourself, or recommend it by some of your lordship's friends, that wish me well; [as my Lord of Arundel, or Secretary Conway, or Mr. James Maxwell.*]

TO THE DUKE OF BUCKINGHAM.

Excellent Lord,

I understand by Sir John Suckling, that he attended yesterday at Greenwich, hoping, according to your grace's appointment, to have found you there, and to have received your grace's pleasure touching my suit, but missed of you: and this day he sitteth upon the subsidy at Brentford, and shall not be at court this week: which causeth me to use these few lines to hear from your grace, I hope, to my comfort; humbly praying pardon, if I number thus the days, and that misery should exceed modesty. I ever rest

Your grace's most faithful
and obliged servant,
Fr. St. Alban.

June 30, 1624.

TO SIR RICHARD WESTON, CHANCELLOR OF THE EXCHEQUER.

Mr. Chancellor,—This way, by Mr. Myn, besides a number of little difficulties it hath, amounteth to this, that I shall pay interest for mine own money. Besides, I must confess, I cannot bow my mind to be a suitor, much less a shifter, for that means which I enjoy by his majesty's grace and bounty. And, therefore, I am rather ashamed of that I have done, than minded to go forward. So that I leave it to yourself what you think fit to be done in your honour and my case, resting

Your very loving friend,
Fr. St. Alban.

London, this 7th of July, 1624.

* He appears to be a relation of his lordship's lady, who was daughter of Benedict Barnham, Esq., alderman of the city of London. Sir Francis was appointed, by his lordship, one of the executors of his last will.

† He died suddenly, February 12, 1623-4.

‡ See his letter to Lord St. Alban, of February 7, 1622.

§ James, Marquis of Hamilton, who died March 2, 1624-5.

* The words included in brackets have a line drawn after them.

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

Now that your grace hath the king private, and at better leisure, the noise of soldiers, ambassadors, parliaments, a little ceasing, I hope you will remember your servant; for at so good a time,* and after so long a time, to forget him, were almost to forsake him. But, howsoever, I shall still remain

Your grace's most obliged and faithful servant,
FR. ST. ALBAN.

I am bold to put into my good friend, Sir Tobie Matthew's hand, a copy of my petition, which your grace had sent to Sir John Suckling.

Endorsed, August, 1624.

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

I am infinitely bound to your grace for your late favours. I send your grace a copy of your letter, signifying his majesty's pleasure, and of the petition. The course, I take it, must be, to make a warrant for the execution of the same, by way of reference to Mr. Chancellor of the Exchequer, and Mr. Attorney.† I most humbly pray your grace likewise, to prostrate me at his majesty's feet, with most humble thanks for the grant of my petition, whose sweet presence since I discontinued, methinks, I am neither amongst the living, nor amongst the dead.

I cannot but likewise gratulate his majesty on the extreme prosperous success of his business, since this time twelvemonth. I know I speak it in a dangerous time; because the die of the Low Countries is upon the throw. But yet that is all one. For, if it should be a blow, (which I hope in God it shall not,) yet it would have been ten times worse, if former courses had not been taken. But this is the raving of a hot ague.

God evermore bless his majesty's person and designs, and likewise make your grace a spectacle of prosperity, as you have hitherto been.

Your grace's most faithful and obliged,
and by you revived servant,
FR. ST. ALBAN.

Gray's Inn, 9th of October, 1624.

TO THE CHANCELLOR OF THE DUCHY,‡ SIR HUMPHREY MAY.

GOOD MR. CHANCELLOR,

I do approve very well your forbearance to move my suits, in regard the duke's return§ is so near at hand, which I thought would have been a longer matter; and I imagine there is a *gratiastitium* till he come. I do not doubt but you shall find his grace nobly disposed. The last time that you spake with him about me, I remember you sent me word, he thanked you for being so forward for me. Yet, I could wish that you took some occasion to speak with him, generally to my advantage, before you move to him any particular suit; and to let me know how you find him.

My lord treasurer sent me a good answer touching my moneys. I pray you continue to quicken him, that the king may once clear with me. And fire of old wood needeth no blowing; but old men do. I ever rest

Yours to do you service.

TO SIR ROBERT PYE.

GOOD SIR ROBERT PYE,

Let me entreat you to despatch that warrant of a petty sum, that it may help to bear my charge of coming up* to London. The duke, you know, loveth me, and my lord treasurer† standeth now towards me in very good affection and respect.‡ You, that are the third person in these businesses, I assure myself, will not be wanting; for you have professed and showed, ever since I lost the seal, your good will towards me. I rest

Your affectionate and assured friend, etc.

Endorsed,
To Sir Robert Pye. *Gor.* 1625.

TO THE EARL OF DORSET.§

MY VERY GOOD LORD,

This gentleman, the bearer hereof, Mr. Colles by name, is my neighbour. He is commended for a civil young man. I think he wanteth no metal, but he is peaceable. It was his hap to fall out with Mr. Matthew Francis, sergeant at arms, about a toy; the one affirming, that a hare was fair killed, and the other, foul. Words multiplied, and some blows passed on either side. But since the first falling out, the serjeant hath used towards him diverse threats and affronts, and, which is a point of danger, sent to him a letter of challenge: but Mr. Colles, doubting the contents of the

* This seems to refer to the anniversary thanksgiving day for the king's delivery from the Gowry conspiracy, on the 5th of August, 1600.

† Sir Thomas Coventry.

‡ This letter is endorsed 1625.

§ From Paris, whither the Duke of Buckingham went in May, 1625, to conduct the new queen to England.

* From Gorhambury.

† Sir James, Lord Ley, advanced from the post of Lord Chief Justice of the King's Bench, on the 20th of December, 1624, to that of lord treasurer; and created Earl of Marlborough on the 5th of February, 1625-6.

‡ His lordship had not been always in that disposition towards the Lord Viscount St. Alban; for the latter has, among the letters printed in his works, one to this lord treasurer, severely expostulating with him about his unkindness and injustice.

§ Sir Edward Sackville succeeded to that title on the death of his brother Richard, March 28, 1624.

letter, refused to receive it. Motions have been made also of reconcilement, or of reference to some gentlemen of the country not partial: but the serjeant hath refused all, and now, at last, sueth him in the Earl Marshal's Court. The gentleman saith, he distrusteth not his cause upon the hearing; but would be glad to avoid restraint, or long and chargeable attendance. Let me, therefore, pray your good lordship to move the noble earl* in that kind, to carry a favourable hand towards him, such as may stand with justice and the order of that court. I ever rest

Your lordship's faithful friend and servant.

Endorsed,

To E. Dorset. Gor. 1625.

SIR THOMAS COVENTRY, ATTORNEY-GENERAL, TO THE LORD VISCOUNT ST. ALBAN.

MY VERY GOOD LORD,

I received from your lordship two letters, the one of the 23d, the other of the 28th of this month. To the former, I do assure your lordship I have not heard any thing of any suits or motion, either touching the reversion of your honours or the rent of your farm of petty writs; and, if I had heard any thing thereof, I would not have been unmindful of that caveat, which heretofore you gave in by former letters, nor slack to do you the best service I might.

The debt of Sir Nicolas Bacon resteth as it did; for in the latter end of King James's time, it exhibited a *quo warranto* in the Exchequer, touching that liberty, against Sr. Nicolas, which abated by his death; then another against Sir Edmund, which, by the demise of the king, and by reason of the adjournment of the late term, hath had no farther proceeding, but that day is given to plead.

Concerning your other letter, I humbly thank your lordship for your favourable and good wishes to me; though I, knowing my own unaptness to so great an employment,† should be most heartily glad, if his majesty had, or yet would choose, a man of more merit. But, if otherwise, humbleness and submission becomes the servant, and to stand in that station where his majesty will have him. But as for the request you make for your servant, though I protest I am not yet engaged by promise to any, because I hold it too much boldness towards my master, and discourtesy towards my lord keeper,‡ to dispose of places, while he had the seal: yet, in respect I have some servants, and some of my kindred, apt for the place you write of, and have been already so much importuned by noble persons, when I lately was with his majesty at Salisbury, as it will be hard to me to give them all denial; I am not able to discern, how I can accommodate your servant; though for your sake, and in respect of the former knowledge myself have had of the merit and worth of the gentleman, I should be most ready and willing to perform your desire, if it were in my power. And so, with remembrance of my service to your lordship, I remain

At your lordship's commandment,

THO. COVENTRY.

Kingsbury, Oct. 29, 1625.

To the right honourable, and my very good lord, the Viscount St. Alban.

* Arundel, Earl Marshal.

† Bishop Williams, who had resigned the great seal on the 25th of October, 1625, to Sir John Suckling, who brought his majesty's warrant to receive it, dated at Salisbury, on the 23d of that month.

‡ That of the great seal, of which Sir Thomas Coventry was three days after made lord keeper, on the 1st of November, 1625.

TO MR. ROGER PALMER.

GOOD MR. ROGER PALMER,

I thank God, by means of the sweet air of the country, I have obtained some degree of health. Sending to the court, I thought I would salute you: and I would be glad, in this solitary time and place, to hear a little from you how the world goeth, according to your friendly manner heretofore,

Fare ye well most heartily.

Your very affectionate and assured friend,

FR. ST. ALBAN.

Gorhambury, Oct. 29, 1625.

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

I could not but signify unto your grace my rejoicing, that God hath sent your grace a son and heir,* and that you are fortunate as well in your house, as in the state of the kingdom. These blessings come from God, as I do not doubt but your grace doth, with all thankfulness, acknowledge, vowing to him your service. Myself, I praise his divine Majesty, have gotten some step into health. My wants are great; but yet I want not a desire to do your grace service; and I marvel, that your grace should think to pull down the monarchy of Spain without my good help. Your grace will give me leave to be merry, however the world goeth with me. I ever rest

Your grace's most faithful

and obliged servant, &c.

I wish your grace a good new year.

* Born November 17, 1625, and named Charles.—*Diary of the Life of Archbishop Laud*, published by Mr. Wharton, p. 24. This son of the duke died the 10th of March, 1626-7.—*Ibid.*, p. 40

TO SIR HUMPHREY MAY, CHANCELLOR OF THE DUCHY OF LANCASTER.

GOOD MR. CHANCELLOR,

I did wonder what was become of you, and was very glad to hear you were come to court; which, methinks, as the times go, should miss you as well as I.

I send you another letter, which I wrote to you of an old date, to avoid repetition; and I continue my request then to you, to sound the Duke of Buckingham's good affection towards me, before you do move him in the particular petition. Only the present occasion doth invite me to desire, that his grace would procure me a pardon of the king of the whole sentence. My writ for Parliament I have now had twice before the time, and that without any express restraint not to use it. It is true, that I shall not be able, in respect of my health, to attend in Parliament; but yet I might make a proxy. Time hath turned envy to pity; and I have a long cleansing week of five years' expectation and more. Sir John Bennet hath his pardon; and my Lord of Somerset hath his pardon, and, they say, shall sit in Parliament. My Lord of Suffolk cometh to Parliament, though not to council. I hope I deserve not to be the only outcast.

God keep you. I ever rest

Your most affectionate friend,
to do you service.

I wish you a good new year.

Endorsed,

To the Chancellor of the Duchy. *Gor.* 1625.

TO THE MARQUIS D'EFFIAT, THE FRENCH AMBASSADOR.

MONS. L'AMBASSADEUR, MON FILS,

Vous scavez que le commencement est la moitié du fait. Voyla pourquoy je vous ay escrit ce petit mot de lettre, vous priant de vous souvenir de vostre noble promesse de me mettre en la bonne grâce de nostre très-excellente reyne, et m'en faire recevoir quelque gracieuse demonstration. Vostre excellence prendra aussi, s'il vous plaist, quelque occasion de prescher un peu, à mon advantage en l'oreille du Duc de Buckingham en général. Dieu vous ayt en sa saincte garde.

Vostre très-affectionné et très-humble serviteur,

FR. ST. ALBAN.

Jan. 18, 1625.

The following letters, wanting both dates and circumstances to determine such dates, are placed here together.

TO KING JAMES I.

MAY IT PLEASE YOUR MAJESTY,

Thinking often, as I ought, of your majesty's virtue and fortune, I do observe, not without admiration, that those civil acts of sovereignty, which are of the greatest merit, and, therefore, of truest glory, are, by the providence of God, manifestly put into your hands, as a chosen vessel to receive from God, and an excellent instrument to work amongst men the best and noblest things. The highest degree of sovereign honour is to be founder of a kingdom or estate; for as, in the acts of God, the creation is more than the conservation; and as among men the birthday is accounted the chiefest of the days of life; so, to found a kingdom is more worthy than to augment, or to administer the same. And this is an honour that no man can take from your majesty, that the day of your coming to the crown of England was as the birthday of the kingdom entire Britain.

The next degree of sovereign honour, is the plantation of a country or territory, and the reduction of a nation, from waste soil and barbarous manners, to a civil population. And in this kind also your majesty hath made a fair and prosperous beginning in your realm of Ireland. The third eminent act of sovereignty is to be a lawgiver, whereof he speaketh,

> Pace datâ terris, animum ad civilia vertit
> Jura suum, legesque tulit justissimus author.

And another saith, "Ecquid est, quod tam propriè dici potest actum ejus, qui togatus in republicâ cum potestate imperioque versatur, quam lex. Quære acta Gracchi; leges Semproniæ proferentur: quære Syllæ, Corneliæ quid? Cnei Pompeii tertius consulatus in quibus actis consistit? Nempe legibus. A Cæsare ipso si quæreres quidnam egisset in urbe et toga; leges multas se respondeat et præclaras tulisse."

TO THE KING.

IT MAY PLEASE YOUR MAJESTY,

A full heart is like a full pen; it can hardly make any distinguished work. The more I look upon my own weakness, the more I must magnify your favours; and the more I behold your favours, the more I must consider mine own weakness. This is my hope, that God, who hath moved your heart to favour me, will write your service in my heart. Two things I may promise; for, although they be not mine own, yet they are surer than mine own, because they are God's gifts; that is, integrity and industry. And, therefore, whensoever I shall make my account to you, I shall do it in these words, *ecce tibi lucrifeci*, and not *ecce mihi lucrifeci*. And for industry, I shall take to me, in this procuration, not Martha's part, to be busied in many things, but Mary's part, which is, to intend your service; for the less my abilities are, the more they ought to be contracted *ad unum.* For the present, I humbly pray your majesty to accept my most humble thanks and vows as the

forerunners of your service, which I shall always perform with a faithful heart.

Your majesty's most obedient servant,

FR. BACON.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I hear yesterday was a day of very great honour to his majesty, which I do congratulate. I hope, also, his majesty may reap honour out of my adversity, as he hath done strength out of my prosperity. His majesty knows best his own ways; and for me to despair of him, were a sin not to be forgiven. I thank God, I have overcome the bitterness of this cup by Christian resolution, so that worldly matters are but mint and cumin.

God ever preserve you.

Endorsed,

To my Lord Buckingham, after my troubles.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I thought it my duty to take knowledge to his majesty from your lordship, by the enclosed, that, much to my comfort, I understand his majesty doth not forget me nor forsake me, but hath a gracious inclination to me, and taketh care of me; and to thank his majesty for the same. I perceive, by some speech, that passed between your lordship and Mr. Meautys, that some wretched detractor hath told you, that it were strange I should be in debt; for that I could not but have received a hundred thousand pounds gifts since I had the seal; which is an abominable falsehood. Such tales as these made St. James say, that the *tongue is a fire*, and *itself fired from hell*, whither when these tongues shall return they will *beg a drop of water to cool them.* I praise God for it, I never took penny for any benefice or ecclesiastical living; I never took penny for releasing any thing I stopped at the seal; I never took penny for any commission, or things of that nature; I never shared with any servant for any second or inferior profit. My offences I have myself recorded, wherein I studied, as a good confessant, guiltiness, and not excuse; and, therefore, I hope it leaves me fair to the king's grace, and will turn many men's hearts to me.

As for my debts, I showed them your lordship, when you saw the little house and the farm, besides a little wood or desert, which you saw not.

If these things were not true, although the joys of the penitent be sometimes more than the joys of the innocent, I could not be as I am.

God bless you and reward you for your constant love to me I rest, &c.

DRAUGHT OF A LETTER TO THE MARQUIS OF BUCKINGHAM, NOT SENT.*

MY LORD:—I say to myself, that your lordship hath forsaken me; and I think I am one of the last, that findeth it, and in nothing more, than that, twice at London, your lordship would not vouchsafe to see me, though the latter time I begged it of you. If your lordship lack any justification about York House, good my lord, think of it better; for I assure your lordship, that motion to me was to me as a second sentence; for I conceived it sentenced me to the loss of that, which I thought was saved *from the former sentence*, which is your love and favour. But sure it could not be that pelting matter, but the being out of sight, out of use, and the ill offices done me, perhaps, by such as have your ear. Thus I think, and thus I speak; for I am far enough from any baseness or detracting, but shall ever love and honour you, howsoever I be

Your forsaken friend and freed servant,

FR. ST. ALBAN.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

It is vain to cure the accidents of a disease, except the cause be found and removed. I know adversity is apprehensive; but I fear it is too true, that now I have lost honour, power, profit, and liberty, I have, in the end, lost that which to me was more dear than all the rest, which is my friend. A change there is apparent and great; and nothing is more sure, than that nothing hath proceeded from and since my troubles, either towards your lordship or towards the world, which hath made me unworthy of your undeserved favours or undesired promises. Good my lord, deal so nobly with me, as to let me know whether I stand upright in your favour, that either I may enjoy my wonted comfort, or see my griefs together, that I may the better order them; though, if your lordship should never think more of me, yet your former favours should bind me to be

Your lordship's most obliged
and faithful servant,

FR. ST. ALBAN.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

This extreme winter hath turned, with me, a weakness of body into a state that I cannot call health, but rather sickness, and that more danger-

* Among Lord Bacon's printed letters, is one without a date, in which he complains, as in this, that he, *being twice now in London*, the marquis *did not vouchsafe to see him.*

ous than felt, as whereby I am not likely to be able to wait upon your lordship, as I desired, your lordship being the person, of whom I promise myself more almost than of any other; and, again, to whom, in all loving affection, I desire no less to approve myself a true friend and servant. My desire to your lordship, is to admit this gentleman, my kinsman and approved friend, to explain to you my business, whereby to save further length of letter, or the trouble of your lordship's writing back.

TO MR. TOBIE MATTHEW.

GOOD MR. MATTHEW,

The event of the business, whereof you write, is, it may be, for the best: for seeing my lord, of himself, beginneth to come about, *quorsum* as yet? I could not in my heart, suffer my Lord Digby to go hence, without my thanks and acknowledgments. I send my letter open, which I pray seal and deliver. Particulars I would not touch.

Your most affectionate and assured friend,

FR. ST. ALBAN.

TO MR. TOBIE MATTHEW.

GOOD MR. MATTHEW,

When you write by pieces, it showeth your continual care; for a flush of memory is not so much; and I shall be always, on my part, ready to watch for you, as you for me.

I will not fail, when I write to the lord marquis, to thank his lordship for the message, and to name the nuntius. And, to tell you plainly, this care they speak of, concerning my estate, was more than I looked for at this time; and it is that which pleaseth me best. For my desires reach but to a fat *otium*. That is truth; and so would I have all men think, except the greatest; for I know patents, *absque aliquid inde reddendo*, are not so easily granted.

I pray my service to the Spanish ambassador, and present him my humble thanks for his favour. I am much his servant; and ashes may be good for somewhat. I ever rest

Your most affectionate and assured friend,

FR. ST. ALBAN.

I have sought for your little book, and cannot find it. I had it one day with me in my coach. But sure it is safe; for I seldom lose books or papers.

TO THE LORD VISCOUNT ST. ALBAN.

MOST HONOURED LORD,

I have received your great and noble token and favour of the 9th of April, and can but return the humblest of my thanks for your lordship's vouchsafing so to visit this poorest and unworthiest of your servants. It doth me good at heart, that, although I be not where I was in place, yet I am in the fortune of your lordship's favour, if I may call that fortune, which I observe to be so unchangeable. I pray hard that it may once come in my power to serve you for it; and who can tell but that, as *fortis imaginatio generat casum*, so strange desires may do as much? Sure I am, that mine are ever waiting on your lordship; and wishing as much happiness as is due to your incomparable virtue, I humbly do your lordship reverence.

Your lordship's most obliged

and humble servant,

TOBIE MATTHEW.

P. S. The most prodigious wit that ever I knew of my nation, and of this side of the sea, is of your lordship's name, though he be known by another.

TO THE LORD ARCHBISHOP OF YORK.*

MY VERY GOOD LORD,

I must use a better style than mine own in saying, *Amor tuus undequaque se ostendit ex literis tuis proximis*, for which I give your grace many thanks, and so, with more confidence, continue my suit to your lordship for a lease absolute for twenty-one years of the house, being the number of years which my father and my predecessors fulfilled in it. A good fine requires certainty of term; and I am well assured, that the charge I have expended in reparations, amounting to one thousand marks at least already, is more than hath been laid out by the tenants that have been in it since my remembrance, answerable to my particular circumstance, that I was born there, and am like to end my days there. Neither can I hold my hand, but, upon this encouragement, am like to be doing still, which tendeth to the improvement, in great measure, of the inheritance of your see by superlapidations, if I may so call it, instead of dilapidations, wherewith otherwise it might be charged.

And whereas a state for life is a certainty, and not so well seen how it wears, a term of years makes me more depending upon you and your succession.

For the providing of your lordship and your successors a house, it is part of the former covenant, wherein I desired not to be released.

So, assuring myself of your grant and perfecting of this my suit, and assuring your grace of my earnest desire and continual readiness to deserve well of you, and yours chiefly, and likewise of the see in any the causes or preeminences thereof, I commend your grace to God's goodness, resting, &c.

* Dr. Tobie Matthew.

MINUTE OF A LETTER TO THE COUNT PALATINE OF THE RHINE.

MONSEIGNEUR,

Je me tiens à grand honneur, qu'il plaise à vostre altesse de me cognoistre pour tel, que je suis, ou pour le moins voudrois estre, envers vous et vostre service: et m'estimeray heureux, si par mes conseils auprès du roy, ou autre devoir, je pourroy contribuer à vostre grandeur, dont il semble que Dieu vous a basti de belles occasions, ayant en contemplation vostre très-illustre personne, non seulement comme très-cher allié de mon maistre, mais aussi, comme le meilleur appui, après les roys de Grande Bretagne, de la plus saine partie de la chrestieneté.

Je ne puis aussi passer sous silence la grande raison, que vostre altesse fait à vostre propre honneur en choisissant tels conseilleurs et ministres d'estat, comme se montre très-bien estre Monsieur le Baron de Dhona et Monsieur de Plessen, estants personages si graves, discrètes et habiles; en quoy vostre jugement reluict assez.

Vostre altesse de vostre grâce excusera la faulte de mon langage François, ayant esté tant versé es vielles loix de Normandie: mais le coeur supplera la plume, en priant Dieu de vous tenir en sa digne et saincte garde,

Monseigneur, de vostre Altesse le plus
humble et plus affectionné serviteur.

Endorsed, May 13, 1619.

LETTERS FROM THE BRITISH MUSEUM.

NEVER BEFORE PRINTED.

TO LADY BURGHLEY, TO SPEAK FOR HIM TO HER LORD.*

MY SINGULAR GOOD LADY,

I was as ready to show myself mindful of my duty, by waiting on your ladyship, at your being in town, as now by writing, had I not feared lest your ladyship's short stay, and quick return might well spare me, that came of no earnest errand. I am not yet greatly perfect in ceremonies of court, whereof, I know, your ladyship knoweth both the right use, and true value. My thankful and serviceable mind shall be always like itself, howsoever it vary from the common disguising. Your ladyship is wise, and of good nature to discern from what mind every action proceedeth, and to esteem of it accordingly. This is all the message which my letter hath at this time to deliver, unless it please your ladyship further to give me leave to make this request unto you, that it would please your good ladyship, in your letters, wherewith you visit my good lord, to vouchsafe the mention and recommendation of my suit; wherein your ladyship shall bind me more unto you than I can look ever to be able sufficiently to acknowledge. Thus, in humble manner, I take my leave of your ladyship, committing you, as daily in my prayers, so, likewise, at this present, to the merciful providence of the Almighty.

Your ladyship's most dutiful
and bounden nephew,
B. FRA.

From Grey's Inn, this 16th September, 1580.

* Lansd. MS. xxxi., art. 14.

TO LORD BURGHLEY, TO RECOMMEND HIM TO THE QUEEN.*

MY SINGULAR GOOD LORD,

My humble duty remembered, and my humble thanks presented for your lordship's favour and countenance, which it pleased your lordship, at my being with you, to vouchsafe me, above my degree and desert. My letter hath no further errand but to commend unto your lordship the remembrance of my suit, which then I moved unto you; whereof it also pleased your lordship to give me good hearing, so far forth as to promise to tender it unto her majesty, and withal to add, in the behalf of it, that which I may better deliver by letter than by speech; which is, that although it must be confessed that the request is rare and unaccustomed, yet if it be observed how few there be which fall in with the study of the common laws, either being well left or friended, or at their own free election, or forsaking likely success in other studies of more delight, and no less preferment, or setting hand thereunto early, without waste of years; upon such survey made, it may be my case may not seem ordinary, no more than my suit, and so more beseeming unto it. As I force myself to say this in excuse of my motion, lest it should appear unto your lordship altogether indiscreet and unadvised, so my hope to obtain it resteth only upon your lordship's good affection toward me, and grace with her majesty, who, methinks, needeth never to call for the experience of the thing, where she hath so great and so good

* Lansd. MS. xxxi art. 14.

of the person which recommendeth it. According to which trust of mine, if it may please your lordship both herein and elsewhere to be my patron, and to make account of me, as one in whose well doing your lordship hath interest, albeit, indeed, your lordship hath had place to benefit many, and wisdom to make due choice of lighting places for your goodness, yet do I not fear any of your lordship's former experiences for staying my thankfulness borne in heart, howsoever God's good pleasure shall enable me or disable me, outwardly, to make proof thereof; for I cannot account your lordship's service distinct from that which I owe to God and my prince; the performance whereof to best proof and purpose is the meeting point and rendezvous of all my thoughts. Thus I take my leave of your lordship, in humble manner, committing you, as daily in my prayers, so, likewise, at this present, to the merciful protection of the Almighty.

Your most dutiful and bounden nephew,

B. Fra.

From Grey's Inn, this 16th of September, 1580.

TO THE RIGHT HONOURABLE THE LORD TREASURER.*

My very good Lord,

I take it as an undoubted sign of your lordship's favour unto me, that, being hardly informed of me, you took occasion rather of good advice than of evil opinion thereby. And if your lordship had grounded only upon the said information of theirs, I might, and would truly have upholden that few of the matters were justly objected; as the very circumstances do induce, in that they were delivered by men that did misaffect me, and, besides, were to give colour to their own doings. But because your lordship did mingle therewith both a late motion of mine own, and somewhat which you had otherwise heard, I know it to be my duty, (and so do I stand affected,) rather to prove your lordship's admonition effectual in my doings hereafter, than causeless by excusing what is past. And yet, (with your lordship's pardon humbly asked,) it may please you to remember, that I did endeavour to set forth that said motion in such sort, as it might breed no harder effect than a denial. And I protest simply before God, that I sought therein an ease in coming within bars, and not any extraordinary or singular note of favour. And for that, your lordship may otherwise have heard of me, it shall make me more wary and circumspect in carriage of myself; indeed, I find in my simple observation, that they which live, as it were, in *umbra* and not in public or frequent action, how moderately and modestly soever they behave themselves, yet *laborant invidia;* I find, also, that such persons as are of nature bashful (as myself is,) whereby they want that plausible familiarity which others have, are often mistaken for proud. But once I knew well, and I most humbly beseech your lordship to believe, that arrogancy and overweening is so far from my nature, as if I think well of myself in any thing, it is in this, that I am free from that vice. And I hope upon this your lordship's speech, I have entered into those considerations, as my behaviour shall no more deliver me for other than I am. And so, wishing unto your lordship all honour, and to myself continuance of your good opinion, with mind and means to deserve it, I humbly take my leave.

Your lordship's most bounden nephew,

Fr. Bacon.

Grey's Inn, this 6th of May, 1586.

TO SIR ROBERT CECIL, KNIGHT.*

Sir:—I thank your honour very much for the signification which I received by Mr. Hickes, of your good opinion, good affection, and readiness; and as to the impediment which you mention, and I did forecast, I know you bear that honourable disposition, as it will rather give you apprehension to deal more effectually for me than otherwise, not only because the trial of friends is in case of difficulty, but again, for that without this circumstance, your honour should be only esteemed a true friend and kinsman, whereas now you shall be further judged a most honourable counsellor; for pardons are each honourable, because they come from mercy, but most honourable towards such offenders. My desire is, your honour should break with my lord, your father as soon as may stand with your convenience, which was the cause why now I did write. And so I wish your honour all happiness.

Your honour's in faithful affection

to be commanded,

Fr. Bacon.

From Grey's Inn, this 16th of April, 1593.

TO MR. MICHAEL HICKES, SECRETARY TO THE LORD HIGH TREASURER.†

Mr. Hickes, still I hold opinion that a good solicitor is as good as a good counsellor, I pray as you have begun so continue, to put Sir Robert Cecil in mind. I write now because I understand, by occasion of Mr. Solicitor's ordering at the court, things are like to be deliberated, if not resolved. I pray learn what you can, both by your nearness

* Lansd. MS. li. art. 5, Orig.

* Lansd. MS. lxxv. art. 36, Orig.

† Lansd. MS. lxxv. art. 56, Orig.

to my lord, and by speech with Sir Robert, and write what you find. Thus, in haste, I wish you right well.

Your friend assured,
FR. BACON.

From Gorhambury, this 26th of September, 1593.

* I pray send me word what is your day of payment, and whether you can be certain to renew, because my brother's land is not yet sold.

TO THE LORD HIGH TREASURER.*

AFTER the remembrance of my humble and bounden duty, it may please your good lordship, the last term I drew myself to my house in the country, expecting that the queen would have placed another solicitor, and so I confess a little to help digestion, and to be out of eye, I absented myself, for I understood her majesty not only to continue in her delay, but, (as I was advertised chiefly by my Lord of Essex,) to be retrograde, (to use the term applied to the highest powers;) since which time, I have, as in mine own conceit, given over the suit, though I leave it to her majesty's tenderness, and the constancy of my honourable friends, so it be without pressing.

And now my writing to your lordship is chiefly to give you thanks. For, surely, if a man consider the travail and not the event, a man is often more bounden to his honourable friends for a suit denied than for a suit succeeding. Herewithal, I am bold to make unto your lordship three requests, which ought to be very reasonable, because they come so many at once. But I cannot call that reasonable, which is only grounded upon favour. The first is, that your lordship would yet *tueri opus tuum*, and give as much life unto this present suit for the solicitor's place, as may be without offending the queen, (for that were not good for me.) The next is, that, if I did show myself too credulous to idle hearsays, in regard of my right honourable kinsman and good friend, Sir Robert Cecil, (whose good nature did well answer my honest liberty,) your lordship will impute it to the complexion of a suitor, and of a tired sea-sick suitor, and not to mine own inclination; lastly, that howsoever this matter go, yet I may enjoy your lordship's good favour and help, as I have done in regard of my private estate, which, as I have not altogether neglected, so I have but negligently attended, and which hath been bettered only by yourself, (the queen except,) and not by any other in matter of importance. This last request, I find it more necessary for me to make, because, (though I am glad of her majesty's favour, that I may, with more ease, practise the law, which, percase, I may use now and then for my countenance,) yet, to speak plainly, though perhaps vainly, I do not think that the ordinary practice of the law, not serving the queen in place, will be admitted for a good account of the poor talent that God hath given me, so as I make reckoning, I shall reap no great benefit to myself in that course. Thus, again desiring the continuance of your lordship's goodness as I have hitherto found, and on my part, sought also to deserve, I commend your good lordship to God's good preservation.

Your lordship's most humbly bounden,
FR. BACON.

From Gray's Inn, this 21st of March, 1594.

* Lansd. MS. lxxviii. art. 31, Orig.

TO MR. HENRY MAYNARD, AND MR. MICHAEL HICKES.*

MR. MAYNARD and Mr. Hickes, I build somewhat, upon the conceit I have of your good wills, which maketh me direct my request to you in so pressing an occasion as is fallen unto me, by the strange slipping, and uncertain over-cunning dealing of a man in the city, who, having concluded a bargain with me for certain marsh lands, now in mortgage for a thousand pounds, and standing to be redeemed the 24th of this present, which is but twelve days hence, and being to give me sixteen hundred and odd pounds for the sale, doth now upon a point, as clear as any case in Littleton, and wherein Mr. Attorney-General, Mr. Brograve, Mr. Heskett, Mr. Gerard, Mr. Altham, and all that I can speak with, make no manner of doubt, quarrel upon the assurance, and so in this time of difficulty for money pensions, and in so instant a quantity of time as twelve days, plunge me to seek my redemption money, or to forfeit my land to seven hundred pounds less and more. This maketh me desire the help of two so good friends as I esteem yourselves to be, the rather because the collateral pawn which I would offer, which is the assurance of my lease of Twickenham, being a thing which will pass with easy and short assurance, and is every way clear and unsubject to encumbrance, (because it is my pleasure and my dwelling,) I would not offer but to a private friend; upon which assurance my desire is, that upon your joint means or credit, I might be furnished at my day, and if either of you like the bargain of my marsh lands, you shall have their refusal, and I shall think you true and timely friends. So, in great haste, I bid you both farewell.

Your friend, loving and assured,
FR. BACON.

From my chamber, this 12th of March, 1595.

* Lansd. MS. lxxx. art. 71, Orig.

TO LORD BURGHLEY.*

IT MAY PLEASE YOUR GOOD LORDSHIP.

I am sorry the joint mask from the four inns of court faileth, wherein I conceive there is no other ground of that event but impossibility. Nevertheless, because it falleth out that at this time Gray's Inn is well furnished of gallant young gentlemen, your lordship may be pleased to know that rather than this occasion shall pass without some demonstration of affection from the inns of court; there are a dozen gentlemen of Gray's Inn, that out of the honour which they bear to your lordship and my lord chamberlain, to whom at their last mask they were so much bounden, will be ready to furnish a mask, wishing it were in their powers to perform it according to their minds. And so for the present I humbly take my leave, resting

Your lordship's very humble
and much bounden,
FR. BACON.

TO MR. MICHAEL HICKES.†

SIR,—The queen hath done somewhat for me, though not in the proportion I hoped; but the order is given, only the moneys will not in any part come to my hand this fortnight; the later by reason of Mr. Attorney's absence, busied to ‡ the queen, and I am like to borrow the mean while. Thus hoping to take hold of your invitation some day this borrowing, I rest

Your assured friend,
FR. BACON.

TO THE EARL OF SALISBURY.§

MY LORD,—No man can better expound my doings than your lordship, which maketh me need to say the less; only I humbly pray you to believe that I aspire to conscience and commendation, first of *bonus civis*, which with us is a good and true servant to the queen, and next of *bonus vir*, that is, an honest man. I desire your lordship also to think that though I confess I love some things much better than I love your lordship, as the queen's service, her quiet and contentment, her honour, her favour, the good of my country, and the like, yet, I love few persons better than yourself, both for gratitude's sake, and for your own trueness, which cannot hurt but by accident or abuse, of which my good affection, I was ever and am ready to yield testimony by any good offers, but with such reservations as yourself cannot but allow; for as I was ever sorry that your lordship should fly with waxen wings, doubting Icarus's fortune, so, for the growing up of your own feathers, specially ostrich's, or any other, save of a bird of prey, no man shall be more glad; and this is the axletree whereupon I have turned, and shall turn, which to signify to you, though I think you are of yourself persuaded as much, is the cause of my writing; and so commend I your lordship to God's goodness.

Your lordship's most humbly,
FR. BACON.

From Gray's Inn, this 20th of July, 1600.

TO MR. MICHAEL HICKES.*

MR. HICKES,—I thank you for your letter, testifying your kind care of my fortune, which when it mendeth, your thanks will likewise amend. In particular you write you would be in town as on Monday, which is passed, and that you would make proof of Mr. Billett, or some other friend for my supply, whereof I see you are the more sensible, because you concur in approving my purpose and resolution, of first freeing my credit from suits and speech, and so my estate by degrees, which in very truth was the cause which made me *sub impudens* in moving you for new help, when I should have helped you with your former money. I am desirous to know what success you have had since your coming to town, in your kind care. I have thought of two sureties for one hundred pounds a piece: the one Mr. Fra. Anger, of Gray's Inn, he that was the old Count of Lincoln's executor, a man very honest and very able, with whom I have spoken, and he hath promised; the other Sir Thomas Hobby, whom I have not spoken with, but do presume of, though I never used him in that kind. So leaving it to your good will, I rest

Your assured loving friend,
FR. BACON.

1600.

TO MR. M. HICKES.†

MR. HICKES,—Your remain shall be with you this term, but I have now a further request, which, if you perform, I shall think you one of the best friends I have, and yet, the matter is not much to you, but the timing of it is much to me; for I am now about this term to free myself from all debts, which are any ways in suit or urged, following a faster pace to free my credit than my means can follow to free my state, which yet cannot stay long after; I having resolved to spare no means

* Lansd. MS. cvii. art. 8, Orig.
† Lansd. MS. cvii. art. 9, Orig.
‡ Difficult to decypher, q. intercede?
§ Lansd. MS. lxxxvii. art. 79, Orig.

* Lansd. MS. lxxxvii. art. 86, Orig.
† Lansd. MS. lxxxviii. art. 3, Orig.

I have in hand (taking other possibilities for advantage) to clear myself from the discontent, speech, or danger of others. And some of my debts of most clamour and importunity I have this term, and some few days before, ordered, and in fact paid. I pray you to your former favours, which I do still remember, and may hereafter requite, help me out with two hundred pounds more for six months; I will put you in good sureties, and you shall do me a great deal of honesty and reputation; I have written to you the very truth and secret of my course, which to few others I would have done, thinking it may move you. And so, with my loving commendations, I rest

Your assured, loving friend,

Fr. Bacon.

Jan. 21, 1600.

TO SIR ROBERT COTTON.

Sir,—Finding, during Parliament, a willingness in you to confer with me in this great service concerning the union, I do now take hold thereof to excuse my boldness to desire that now which you offered then, for both the time as to leisure is more liberal, and as to the service itself is more urgent. Whether it will like you to come to me to Gray's Inn, or to appoint me where to meet with you, I am indifferent, and leave it to your choice, and accordingly desire to hear from you; so I remain your very loving friend,

Fr. Bacon.

Gray's Inn, this 8th of Sept., 1604.

TO SIR M. HICKES.*

Sir,—For your travel with all disadvantages, I will put it upon my account to travel twice so far, upon any occasion of yours; but your wits seemed not travelled, but fresh, by your letter, which is to me an infallible argument of hearts-ease, which doth so well with you, as I must entreat you to help me to some of the same. And, therefore, I will adjourn our conference to your return to the Strand, on Monday, where I will find you, if it chance right. And this day would I have come to your Friary,† but that I am commanded to attend the indictments at Westminster. And so I leave, to perceive your good disposition.

I remain yours assured,

Fr. Bacon.

Jan. 17, 1605.

* Lansd. MS. lxxxix. art. 78, Orig.
† Augustine Friars.

TO SIR MICHAEL HICKES.*

Sir,—I pray try the concension I spoke to you of out of hand. For it is a mind I shall not continue in, if it pass this very tide. So I rest

Yours, Fr. Bacon.

October, 1606.

TO SIR MICHAEL HICKES.†

Sir,—There is a commission, touching the king's service, to be executed at your house, on Tuesday next; the commissioners are Mr. Recorder of London, Sir John Bennet, Sir Thomas Bodley, and myself. There are blanks left for other names, such as you in your wisdom shall think fit to fill. Mr. Horden is wished, for the better countenance of the service, and Sir Thomas Lowe is spoken of, but these and others are wholly left unto you. It will take up a whole afternoon, and, therefore, no remedy but we must dine with you; but for that you are not so little in grace with Mr. Chancellor but you may have allowance, the Exchequer being first full; hereof I thought most necessary to give you notice. So I remain Your assured guest and friend,

Fr. Bacon.

This Sunday at afternoon, August 6, 1609.

TO SIR ROBERT COTTON.‡

Sir,—You may think the occasion was great and present, that made me defer a thing I took much to heart so long; I have in the blank leaf supplied some clauses, which, warranted by your kind respect and liberty, I wish were inserted for my father's honour, as a son, I confess; but yet, no farther than I have the two great champions, both truth and opinion, of my side. They be but three places, and that you may readily find them, I have turned down leaves; desiring you to reform the Latin or the sense by your better style and conceit, which done, if it please you (being but three pages) to have them written again, and so incorporate them into the copy you carry to the king, you shall content me much, who I think am no unfit man to give you some contribution or retribution to your worthy intention. So, in haste, I remain Your assured friend,

Fr. Bacon.

Gray's Inn, this 7th of April, 1610.

TO SIR MICHAEL HICKES.§

Sir Michael Hickes,

It is but a wish, and not any ways to desire it to your trouble, but I heartily wish I had your

* Lansd. MS. lxxxix. art. 105, Orig.
† Lansd. MS. xci. art. 94, Orig.
‡ Cotton MS Julius, c. iii. fol. 71 b, Orig.
§ Lansd. MS. xci. art. 40, Orig.

company here at my mother's funeral, which I purpose on Thursday next, in the forenoon. I dare promise you a good sermon, to be made by Mr. Fenton, the preacher of Gray's Inn; for he never maketh other feast; I make none: but if I might have your company for two or three days at my house, I should pass over this mournful occasion with more comfort. If your son had continued at St. Julian's, it might have been an adamant to have drawn you; but now, if you come, I must say it is only for my sake. I commend myself to my lady, and commend my wife to you both. And rest

Yours ever assured, FR. BACON.

This Monday, 27th of August, 1610.

TO SIR MICHAEL HICKES.*

SIR MICHAEL,

I do use, as you know, to pay my debts with time; but, indeed, if you will have a good and perfect colour in a carnation stocking, it must be long in the dyeing: I have some scruple of conscience whether it was my lady's stockings or her daughter's, and I would have the restitution to be to the right person, else I shall not have absolution. Therefore, I have sent to them both, desiring them to wear them for my sake, as I did wear theirs for mine own sake. So, wishing you all a good new year, I rest

Yours assured, FR. BACON.

Gray's Inn, this 8th of Jan., 1611.

TO HIS VERY LOVING FRIEND, MR. JOHN MURRAY, OF HIS MAJESTY'S BEDCHAMBER. DELIVER THESE.†

GOOD MR. MURRAY,

I have laboured like a pack-horse in your business, and, as I think, have driven in a nail. I pray deliver the enclosed to his majesty, wherein I have made mention of the same. I rest

Yours assured, FR. BACON.

27th January, 1611.

FROM THE UNIVERSITY OF CAMBRIDGE TO THE RIGHT HONOURABLE SIR FRANCIS BACON, KNIGHT, HIS MAJESTY'S ATTORNEY-GENERAL, AND ONE OF HIS HONOURABLE PRIVY COUNCIL, THESE.‡

RIGHT HONOURABLE,

The special love and favour which your honour, by word and writing, hath ever professed to learning and this university, makes us fly to your protection in a present danger, where we fear the chief nerves and foundation of all our jurisdiction, and gracious charters, are (under a pretence of dignity and honour to this university) either intended to be shaken, or wholly overthrown. We doubt not but your honour hath heard of a late petition preferred to his majesty by the mayor and others of Cambridge, (as they pretend,) to dignify the university in making the town a city; which, upon so fair a gloss, his majesty, out of his gracious favour to this university, hath referred to the order of Lord Chancellor of England, their high steward; the lord treasurer, our honourable and our most loving chancellor, and your honour. By this project, (though dignity and honour to us be the first colour they cast upon their suit, yet, by the cunning carriage of the business, and secret workings of friends,) we cannot but fear this shadow will be overcast with matter of such substance for them and their purpose, that it will either draw our former grants into question, or us to great inconvenience. Neither is this suspicion without a cause; first, for that, about six years past, the like petition was preferred and followed by them; at what time, by a secret view of their book, we perceived our best charters nearly touched: secondly, upon our earnest request to have a copy of such matters as they desire, they slight us, saying, "That were but to part the lion's skin:" thirdly, by experience we find the danger of trusting their kindness, for, upon our late sufferance of their last charter to pass, (without good advice of our council,) they both encroach upon our ancient grants, and enforce that charter not only against our privileges and customs, but the special proviso and reservation therein made for our former liberties. These peremptory answers and dealings of theirs, upon so kind and friendly usage and requests of ours, make us fear the sequel; for, that as yet we could never find, by any record, act, or wish of theirs, that this university ever received honour, dignity, or favour; in regard whereof, we earnestly entreat your honour to stand with our worthy chancellor and us in staying this suit, until we be truly informed how the town may receive grace and the university no dishonour. So, with our hearty thanks to your honour, for all your former favours showed us and this university, and with our daily prayers to the Almighty for your long life and happiness, we take our leave.

Your honour's in all duty.

This 9th of December, 1610.

TO THE RIGHT WORSHIPFUL THE VICE-CHANCELLOR AND OTHERS, THE MASTERS, AND THE HEADS OF THE HOUSES OF THE UNIVERSITY OF CAMBRIDGE.*

AFTER my very hearty commendations, I have received your letter of the 9th of this present

* Lansd. MS. xci. art 81, Orig.
† Harl. MSS. 6986, art. 114.
‡ Sloan MS. 3562, art. 40.

* Sloan MS. No. 3562, art. 25

December, and have taken care of you rather according to your request than at your request; forasmuch as I had done it before your letter came. This you may perceive by the joint letter which you shall receive from my lord chancellor, my lord treasurer, and myself. And, for me, you may rest assured that nothing can concern you little, or more nearly, or afar off, but you shall have all care out of my affection, and all strength and help out of my means and power to conserve and advance your good estate and contentment. And so I remain

Your very affectionate
and assured friend,
Fr. Bacon.

December 28, 1616.

FROM THE UNIVERSITY OF CAMBRIDGE.*

Right Honourable,

The confidence which the townsmen have, in obtaining their charter and petition, makes us bold and importunate suitors to your honour, by whose favour with his majesty and protection, we again humbly entreat, the university and ourselves may be freed from that danger which by them is intended to us. By their own reports, it is a matter of honour and advantage for which they sue: when they were at their lowest, and in their meanest fortunes, they ever showed themselves unkind neighbours to us; and their suits with us, within these few years, have caused us to spend our common treasury, and trouble our best friends, and, therefore, we cannot expect peace amongst them, when their thoughts and wills shall be winged and strengthened by that power and authority which the very bare title of a city will give unto them. Since our late letter to the right honourable lord chancellor, your honour, and his majesty's attorney-general, we (being better informed of the course they take, and of their confidence to prevail at the end of the next term) have sent letters from the body of the university to the king's majesty, the lord chancellor, and others, our honourable friends; showing them of our fear, and their purpose, and to entreat them to join with your honour and us, to his majesty, to stay their suit before we be driven to further charge or trouble, in entertaining counsel, or soliciting our friends. Thus, humbly entreating your honour to pardon our importunity, and often soliciting your lordship in this business, with our earnest prayers to the Almighty for your honour's long life and happy estate, we end this.

Your honour's in all duty
to be commanded.

February, 1616.

* Sloan MS. 3562, art. 41.

A LETTER TO MY LORD OF BUCKINGHAM, TOUCHING MOMPESSON'S BUSINESS OF INNS.*

My very good Lord,

We are left a little naked in the business of Inns, by the death of Justice Nicholls; and my Lord Chief Baron and Mr. Justice Crooke having been with me, do desire the number of three may be fulfilled. I have, therefore, sent your lordship a warrant for the king's signature, wherein Justice Winch is put in Justice Nicholls' place. It is also altered at my request, in that other point of the former warrant, whereby the certificate was required in writing, which they desire may be by attending his majesty themselves, at his coming, which I do think to be the more convenient and the more usual for judges. I ever rest

Your lordship's true and most
devoted servant.

October 18, 1616.

TO MY LORD OF BUCKINGHAM, TOUCHING MOMPESSON'S BUSINESS, THE MALTSTERS, &c.†

My very good Lord,

I am much troubled in mind, for that I hear you are not perfectly well, without whose health I cannot joy, and without whose life, I desire not to be. I hear nothing from Mr. Mompesson, save that some tell me is knighted, which I am glad of, because he may the better fight with the bull and the bear, and the Saracen's head, and such fearful creatures.

For Sir Robert Killigrewe's suit of enrolment of apprentices, I doubt we must part it; but yet I suppose it may be left valuable.

Your office is despatched, and your books in effect. I have given his majesty an account of those things wherein I have received his pleasure from your lordship by this letter which I send open.

Good, my lord, once again have care of your health; and learn what Cardanus saith, that more men die of cold after exercise, than are slain in the wars. God ever keep you.

Your lordship's true and much devoted servant.

Nov. 21, 1616.

A LETTER FROM HIS MAJESTY TO YOUR LORDSHIP, TOUCHING THE BUSINESS OF THE MINT.‡

Right trusty and right beloved counsellor,
we greet you well.

Before your letters came to us, we had been informed of the pains and diligence you had showed in our service, which we take very graciously at your hands, and thank you for it, desiring you still to continue in the course whereinto

* Addit. MS. Mus Brit No. 5503, fol. 98. † Ibid.
‡ Addit. MS. 5503, fol. 96.

you have made so good an entrance, and have taken the right way of examining the business. And, whereas, you give your opinion of the mint, we have thought fit to remember unto you the usual form which we have ever used in matters of consequence, that when you have taken the laborious part upon you in examination of the business, we first here report of the whole proceeding, before we give our resolution thereupon. And, therefore, until we hear the report of it in particular, we cannot conclude with you. As for the point of the stay of commerce, we agree with you in opinion thus far, that you call three or four of the aldermen whom you shall think fittest, and assure them, in our name, that we see no likelihood or reason of raising our coin, for aught we have yet heard, but rather of the contrary; and that the raising of the value of the coin will be the last course we shall take, when we see no other means left; for which we yet see no cause, and, therefore, the stop of money is needless. As for the committee, we think it fit that they should continue to meet, until we have brought the business to such ripeness, that by the report thereof, at our return, we may perfectly understand every particular.

Given at our court at Newmarket,
this 4th of December, 1618.

A LETTER TO MY LORD BUCKINGHAM.*

My very good Lord,

Your lordship's former letter was honourable, but this your latter letter was both honourable and comfortable; for which I yield your lordship humble thanks. And for my liberty, as your lordship hath, in your letter, vouchsafed to show a great deal of tenderness concerning the same, so you will be nobly pleased to take some opportune time to move it; the rather, for that the season cometh on now fit for physic, which at this time of the year I have ever used; and my health never so much required. I ever humbly rest

Your lordship's most obliged friend
and faithful servant.

5th March, 1621.

TO MY VERY LOVNG FRIEND, THE MAYOR, &c. OF CAMBRIDGE.†

Whereas I am given to understand that there are some differences lately risen between the now mayor and aldermen, and other the members of that corporation, touching the election of the mayor next to succeed; wherein all parties have, according to charter, appealed to me as their high steward: forasmuch as I have but even newly recovered some degree of health, after a sharp sickness of some weeks, I am constrained to put off the hearing till Monday, the 20th of this instant, at my lodging at Gray's Inn, &c.

Your very loving friend,
Fr. St. Alban.

From Gray's Inn, this 8th September, 1624.

A LETTER FROM MR. FRANCIS BACON TO THE LORD PRESIDENT OF YORK, IN FAVOUR OF MR. JOHNS, FOR THE SECRETARY'S PLACE AT YORK.*

It may please your good Lordship,

I have been moved to recommend a person and suit to your lordship, which I assure myself, if it may take place with you, I shall not lose credit with you by; for both I know perfectly the honesty and sufficiency of the man, and that which is the next point, I am so well acquainted with his dutiful affection to your lordship, as I dare undertake no servant of yours shall be more observantly and faithfully at your commandment. It is conceived in court, that Mr. Secretary Herbert shall have conferred upon him the place of secretary there, whose good will, by that which we do already find, Mr. Edward Jones hath reason to hope well of for a deputation. There rest two points, the one her majesty's good allowance, and the other yours. The former whereof I hope he shall have good means to procure, and the second is that which I am to sue to your lordship for. Wherein to move you, besides the fitness of the man hardly to be matched in any other particular, I will undertake for his thankfulness in as good a manner as any other can be whatsoever; and all the poor credit myself have with you, which I have not been unmindful to cherish, I desire may appear in his suit rather than in any motion for myself. And so, with my humble signification of duty, I commend your lordship to God's goodness.

At your lordship's honourable
commandment,
Fr. Bacon.

A LETTER TO MR. MATTHEW.†

Mr. Matthew,

I hope it may stand with your business to come hither down to me on Monday or Tuesday next. My Lord Digby I understand is in town, my Lord of Doncaster not hastily expected, the king far off. I pray you, if your business be not very important, let me see you one of those days. I do hear from you by Mr. Meautys that I am still much bound to my Lord Digby. I take it, I

* Addit. MS. 5503, fol. 105, l.
† MS. Cole, Mus. Brit. vol. xv. fol 229.

* MS. Lansd. Mus. Brit. vol. ccxxxviii. fol. 126.
† Addit MS. Mus. Brit 5503, fol. 103.

directed Mr. Meautys to tell you, that having somewhat better signs of my lord marquis's good disposition towards me, than when I wrote to my Lord Digby last, I would raise my request to his lordship, that, whereas I desired his lordship to move a temporary leave to come to London next Lent for my health, and Easter term for my business, he would now (if he so think it convenient) deal for a release of the confinement indefinite, for the same reasons of an infirm health; and the settling the poor planks on my wrecks will continue still. If my Lord Digby make haste to court, I pray do this before you come down to me; if not, you may defer it till we have spoken. God keep and prosper you.

Your most, &c.

15th February, 1621.

A LETTER TO MY LORD TREASURER LEA.*

My Lord,—I humbly entreat your lordship and (if I may use the word) advise your lordship to make me a better answer. Your lordship is interested in honour in the opinion of all that hear how I am dealt with. If your lordship malice me for Long's cause, surely it was one of the justest businesses that ever was in Chancery. I will avouch it; and how deeply I was tempted therein your lordship knoweth best. Your lordship may do well to thi of your grave as I do of mine, and to beware ardness of heart. And as for fair words, it is a wind by which neither your lordship nor any man else can sail long. Howsoever, I am the man that shall give all due respects and reverence to your great place.

20th June, 1625. Fr. St. Alban.

LETTERS FROM THE LAMBETH LIBRARY,

NEVER BEFORE PRINTED.

TO THE MARQUIS OF BUCKINGHAM.*

Good my Lord,

Procure the warrant for my discharge this day. Death, I thank God, is so far from being unwelcome to me, as I have called for it (as Christian resolution would permit) any time these two months. But to die before the time of his majesty's grace, and in this disgraceful place, is even the worst that could be; and when I am dead, he is gone that was always in one tenor, a true and perfect servant to his master, and one that was never author of any immoderate, no, nor unsafe, no, (I will say it,) not unfortunate counsel; and one that no temptation could ever make other than a trusty, and honest, and Christ-loving friend to your lordship; and howsoever I acknowledge the sentence just, and for reformation sake fit, the justest chancellor that hath been in the five changes since Sir Nicholas Bacon's time. God bless and prosper your lordship, whatsoever become of me.

Your lordship's true friend, living and dying,

Fr. St. Alban.

Tower, 31st May, 1621.

Endorsed,

To the Marquis of Buckingham, from the Tower.

EDWARD FRANKLIN TO LORD ST. ALBAN.†

Sir,—You falsify the common proverb: Out of sight, out of mind. Distance of place makes no divorce of your love; but present or absent you baulk no opportunity for my good. I shall never deserve your love unless that which is mental may requite that which is real; and that good prayers may be balanced with good deeds.

Touching the present overture, (the errand of your letters,) though there be a great conflict within myself, yet nor must nor will I hold you in long suspense. Though I could content myself with the obscure condition of my country fortune, yet should I not neglect and slight the fair opportunities of my better preferment. It is a sullen, stoical humour, not to be drawn out of a dark retired corner into the warm and open sunshine. But I cannot resolve on the sudden; my present affairs being somewhat involved and perplexed. Respite me (I pray) but till the funeral; and then (God willing) I shall visit London, and give up my determinate and satisfactory answer. Meanwhile, I desire my thankful love may be tendered to that honest Mr. Hatcher. So I rest a devoted homager to your virtues; or (if you suspect a compliment) Your assured friend,

Ed. Franklin.

Cressingham, April 30, 1625.

TO THE MARQUIS OF BUCKINGHAM.†

My very good Lord,

Your lordship's former letter was honourable, this later is kind and loving; wherein I took much comfort. This I protest to God, who

* MS. Gibson, Lambeth Library, 936, fol. 147, Orig.
† MS. Gibson, Lambeth Lib. 936, fol. 210, Orig.

* Addit. MS. Mus. Brit. 5503, fol. 109 b.
† MS. Gibson, Lambeth Lib. 936, fol. 210, Orig.

knoweth the secrets of hearts, that I do not think there was ever a son of Adam who wished more prosperity to another that was a subject than I have done and do to your lordship; and, as low as I am, I had rather sojourn in a college than recover a fortune by any other but yourself. Marry, to recover you (if I have not) or to cease you of doing any thing for me wherein you would not be seen, I would use any man.

God preserve and prosper your grace. I rest.

Endorsed,

To Buckingham.

T. MEAUTYS TO LORD ST. ALBAN.*

MY ALL HONOURED LORD,

Upon the first reading of your lordship's, received this day, I had almost put pen to paper to ask your pardon for having (as I supposed) too rudely broken open a letter intended to another, some more deserving friend or servant of yours, (for, by the infinite disproportion between the noble favours therein expressed, and my disability any way to merit, I could not otherwise conjecture;) but, upon second cogitations, remembering it to be incident to heroic natures and spirits to measure out and confer their graces and favours according to the latitude and dimensions of their own noble and capacious hearts, and not according to the narrower span and scantling of others' merits; and calling to mind that this is not the first time by many, that your lordship hath pointed me out as an instance hereof, by your singular and accumulated favours, I come now, instead of asking pardon for a supposed error of my own, to render unto your lordship all humble acknowledgment for a wilful, or rather, willing error of yours, in so overprizing the poor endeavours of your unprofitable servant.

Next, I take leave to say somewhat of what we say here, arising as well from abroad as at home; viz. that, upon later and more certain advertisement out of Germany, it is found the blow given to the imperialists was far greater, both for numbers, being at least 20,000, and for quality of the persons, than was first reported. Tilly himself being mortally wounded, and escaping to a town, called Holverstat, some miles distant, was pursued by the King of Sweden, who, being advertised that he was dead, and that his body was newly taken thence, to be conveyed by a guard of 1500 horse to the Duke of Bavier's court, instantly went after them, and in a few hours overtook them, defeated the whole troops, and brought back the corpse to Holverstat, where it remains in the town house, a spectacle of the divine revenge and justice, for the bloody execution of Mackdeburgh. On Sunday, at Hampton Court, the States' ambassador here resident, at a solemn and public audience in the presence, sung us in effect an old song to a new tune, for his errand was only a formal relation of the passages of that achievement and defeat in the Low Countries, (wherein, by the way, I heard not any mention at all of my Lord Craven's prowess, though some say he expects a room in the next Gazette.) The ambassador, in magnifying of the victory, when he had said as we thought enough, concluded with that which was more than all he had said before; namely, in resembling it, both for the extent of the design, the greatness and expense in the preparation and manner of the deliverance, to that of the invasion in eighty-eight. At home we say, Mr. Attorney-General is past hope of being Chief Justice of the Common Pleas, for he is assured of it; and, by the like reason, my Lord Richardson is past all fear of being removed to the King's Bench. The attorney's place is now in competition only between Noye and Banks, for Sir John Finch is out at all, and Banks is the likeliest to carry it. St. George was less beholden this year than ever, either to the lords of the order or to the other lords, there being only present those in the margin. So, praying your lordship to believe that I have more room in my heart than in my paper for my devotion and service to your lordship, my most honoured lord and lady, and all my noble ladies and especial friends, I rest

Your lordship's to serve you,

T. M.

October 11.

Your commands to Mr. Maxwell I performed at Windsor on Monday was sevennight. Pardon this scribble, for my candle winks upon me to hasten to an end, and my maid Mary is a bed and in her first sleep, and very wayward if she be waked.

LORD CHAMBERLAIN, LORD TREASURER,
LORD MARSHAL, LORD LINDSEY,
LORD SALISBURY, LORD BOXBOROUGH,
LORD CARLISLE, LORD MONMOUTH,
LORD HOLLAND, LORD GORING,
LORD DORSET, LORD DONCASTER,
LORD ANDOVER, LORD DUNLUCE.

Endorsed,

For your noble self, my most honoured lord.

* MS. Gibson, Lambeth Lib. 936, fol. 252.

TRANSLATION OF THE LATIN LETTER TO COUNT GONDOMAR *

EXCELLENT COUNT,

I do first, as I ought, congratulate with you your new honour, which, though great in itself, it is much greater because it was given you upon so

* MS. Gibson, Lambeth Lib. 936, fol 184 d.

noble a ground. The repair of Mr. Matthew, my true friend, as your lordship well knoweth, into these parts, makes me call to mind those great and singular favours, which upon your noble visits, which both in field and town, by his means and appointment, your lordship vouchsafed me a little before your departure, and the great endeavours which your lordship used both with the king and the marquis for my fortunes. At that time, if one had whispered me in the ear and said, stay these things; England is a cold country; defer them till the Prince of Wales, and the Marquis of Buckingham, and the Count Gondomar meet in Spain, where fruits ripen faster, I should have smiled at it. But since your lordship hath had power to work these miracles in a public fortune, it is a much less matter for you to work a miracle* in the fortune of a private friend. And since your lordship hath power, and I have faith, a miracle is soon wrought, if your lordship think it worth the stretching forth your noble hand. Having written so lately to your lordship, I shorten this letter, only desiring your lordship to give Mr. Matthew the same freedom to propound or advise with your lordship concerning my business, as heretofore you have vouchsafed; and resting——

TO HIS VERY LOVING FRIENDS, THE PARISHIONERS AND FEOFFEES FOR THE POOR OF THE PARISH OF ST. ALLDATS, IN OXFORD.

After my hearty commendations, I send you here enclosed a copy of an order made by the late lord chancellor, my predecessor, in the cause depending in Chancery between Edmond Blyth, plaintiff, against John Phillips and others, defendants, and formerly directed by his lordship's letters unto you, to show cause why a decree made by commissioners for charitable purposes should not be confirmed by decree of the Chancery, which hitherto you have not done; and, therefore, it was desired that it might be decreed accordingly, which I have forborne to do, but have thought fit to recontinue the said order, and to renew the said letters unto you, requiring you to show good cause by the second return of the next term, why the commissioners' decree should not be confirmed, otherwise the plaintiff is to have his lease decreed as he hath desired. So, wishing you due respect herein, I bid you farewell.

Your loving friend,

Fr. Verulam.

From York House, this 13th of Feb., 1619.

LETTERS FROM MALLET.

TO THE LORD VISCOUNT VILLIERS.

It may please your Lordship,

I pray let his majesty understand, that although my lord chancellor's answer, touching the dismission of the farmer's cause, was full of respect and duty, yet I would be glad to avoid an express signification from his majesty, if his majesty may otherwise have his end. And therefore I have thought of a course, that a motion be made in open court, and that thereupon my lord move a compromise to some to be named on either part, with bond to stand to their award. And as I find this to be agreeable to my lord chancellor's disposition, so I do not find but the farmers and the other party are willing enough towards it. And therefore his majesty may be pleased to forbear any other letter or message touching that business. God ever keep your lordship.

Your lordship's true and most devoted servant,

Fr. Bacon.

January 23, 1616.

TO THE EARL OF BUCKINGHAM.

My very good Lord,

I know your lordship hath a special care of any thing that concerneth the queen. She was entered into dislike of her solicitor, this bearer, Mr. Lowder, and resolute in it. To serve, and not to please, is no man's condition. Therefore, upon knowledge of her pleasure he was willing to part with his place, upon hopes not to be destituted, but to be preferred to one of the barons' places in Ireland. I pray move the king for him, and let his majesty know from me that I think (howsoever he pleased not here) he is fit to do his majesty service in that place; he is grave and formal, which is somewhat there, and sufficient enough for that place. The queen hath made Mr. Hackwell her solicitor, who hath for a long time taken much pains in her business, wherein she hath done well. He was an opposite in Parliament, as Jones was, that the king hath made Chief Justice of Ireland. But I hold it no ill counsel to join, or to remove such men. God preserve and prosper you.

Your true and devoted friend and servant,

Whitehall, May 25, 1617. Fra. Bacon, C. S.

TO THE LORD CHANCELLOR.

My most honourable Lord,

I acquainted his majesty with your letter, at the first opportunity after I received it, who was

* The remainder is in Lord Bacon's hand.

very well pleased with that account of your careful and speedy despatch of business, &c.

Yours, &c. G. BUCKINGHAM.

Greenwich, May 13, 1619.

P. S. Your business had been done before this, but I knew not whether you would have the attorney or solicitor to draw it.

TO MY VERY LOVING FRIENDS, SIR THOMAS LEIGH, AND SIR THOMAS PUCKERING, KNIGHTS AND BARONETS.

AFTER my hearty commendations, being informed by the petition of Mr. Thomas Porten, a poor Yorkshireman, of a heavy accident by fire, whereby his house, his wife, and a child, together with all his goods, were utterly burnt and consumed; which misfortune the petitioner suggests, with much eagerness, was occasioned by the wicked practices and conjurations of one John Clarkson of Knowington, in the county of Warwick, and his daughter, persons of a wandering condition; affirming, for instance, that one Mr. Hailes of Warwick did take from the said Clarkson, certain books of conjuration and witchcraft. That the truth of the matter may be rightly known, and that Clarkson and his daughter, if there be ground for it, may answer the law according to the merit of so heinous a fact, I have thought good to wish and desire you to send for Clarkson, and his daughter; and as upon due examination you shall find cause, to take orders for their forthcoming, and answering of the matter at the next assize for the county of York; and also to confer with Mr. Hailes, whether he took from the said Clarkson any such book of conjuration, as the petitioner pretends he did, and to see them in safe custody. Whereupon I desire to be certified how you find the matter; and your doing thereupon. So, not doubting of your special care and diligence herein, I bid you heartily farewell, and rest

Your very loving friend,

FR. VERULAM, Canc.

York House, May 15, 1619.

TO THE MARQUIS OF BUCKINGHAM

MY VERY GOOD LORD,

Your lordship, I know, and the king both, might think me very unworthy of that I have been, or that I am, if I should not by all means desire to be freed from the restraint which debarreth my approach to his majesty's person, which I ever so much loved and admired; and severeth me likewise from all conference with your lordship, which is my second comfort. Nevertheless, if it be conceived that it may be matter of inconvenience, or envy, my particular respects must give place; only in regard of my present urgent occasions, to take some present orde for the debts that press me most. I have petitioned his majesty to give me leave to stay at London till the last of July, and then I will dispose of my abode according to the sentence. I have sent to the prince to join with you in it, for, though the matter seem small, yet it importeth me much. God prosper you.

Your lordship's true servant,

FR. ST. ALBAN.

June 20, 1621

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I thank God I am come very well to Gorhambury, whereof I thought your lordship would be glad to hear sometimes. My lord, I wish myself by you in this stirring world, not for any love to place or business, for that is almost gone with me, but for my love to yourself, which can never cease in Your lordship's most obliged friend and true servant, FR. ST. ALBAN.

Being now out of use, and out of sight, I recommend myself to your lordship's love and favour, to maintain me in his majesty's grace and good intention.

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

I have received the warrant, not for land, but for the money, which, if it may be speedily served, is sure the better; for this I humbly kiss your grace's hands. But because the exchequer is thought to be somewhat barren, although I have good affiance of Mr. Chancellor, yet I hold it very essential, and therein I most humbly pray your grace's favour, that you would be pleased, by your letter, to recommend to Mr. Chancellor the speedy issuing of the money by this warrant, as a business whereof your grace hath an especial care; the rather, for that I understand from him, there be some other warrants for money to private suitors at this time on foot. But your grace may be pleased to remember this difference, that the other are mere gifts; this of mine is a bargain, with an advance only.

I most humbly pray your grace likewise to present my most humble thanks to his majesty. God ever guide you by the hand. I always rest

Your faithful and more
and more obliged servant,

FR. ST. ALBAN.

Gray's Inn, this 17th of November, 1624.

I most humbly thank your grace for your grace's favour to my honest, deserving servant.

TO THE LORD ST. ALBAN.

My noble Lord,

The hearty affection I have borne to your person and service, hath made me ambitious to be a messenger of good news to you, and an eschewer of ill; this hath been the true reason why I have been thus long in answering you, not any negligence in your discreet, modest servant you sent with your letter, nor his who now returns you this answer, ofttimes given me by your master and mine; who, though by this may seem not to satisfy your desert and expectation, yet, take the word of a friend, who will never fail you, hath a tender care of you, full of a fresh memory of your by-past service. His majesty is but for the present, he says, able to yield unto the three years' advance, which, if you please to accept, you are not hereafter the farther off from obtaining some better testimony of his favour, worthier both of him and you, though it can never be answerable to what my heart wishes you, as

Your lordship's humble servant,

G. Buckingham.

LETTERS FROM STEPHENS.

TO THE KING.

It may please your most excellent Majesty,

According to your commandment, I send enclosed the Preface to the Patent of Creation of Sir George Villiers. I have not used any glaring terms, but drawn according to your majesty's instructions, and the note which, thereupon, I framed, and your majesty allowed, with some additions, which I have inserted. But I hope your majesty will be pleased to correct and perfect it. Your majesty will also be pleased to remember, that if the creation shall be at Roughford, your pleasure and this draught be speedily returned; for it will ask a sending of the bill for your majesty's signature, and a sending back of the same to pass the seals, and a sending thereupon of the patent itself: so it must be twice sent up and down before the day. God evermore preserve your majesty.

Your majesty's most devoted,
and most bounden servant,

Fr. Bacon.

July 28, 1616.

TO SIR FRANCIS BACON, HIS MAJESTY'S ATTORNEY-GENERAL.

Sir,—I have acquainted his majesty with your letter, and the other papers enclosed, who liketh very well of the course you purpose, touching the manifest to be published of Bertram's fact, and will have you, according to your own motion, advise with my lord chancellor of the manner of it. His majesty's pleasure likewise is, that, according to the declaration he made before the lords of his council, at Whitehall, touching the review of my Lord Coke's reports, you draw a warrant ready for his signature, directed to those judges whom he then named to that effect, and send it speedily to him to be signed, that there may be a despatch of that business before the end of the term. And so I rest

Your faithful friend at command,

George Villiers.

Newmarket, Nov 19, 1616

TO THE EARL OF BUCKINGHAM.

My singular good Lord,

When I heard your lordship was dead, I though I had lived too long. That was (to tell your lordship truly) the state of my mind upon that report. Since, I hear it was an idle mistaking of my Lord Evers, for my Lord Villiers: God's name be blessed, that you are alive to do infinite good, and not so much as sick or ill disposed for any thing I now hear.

I have resigned the prince's seal, and my Lord Hobart is placed. I made the prince laugh, when I told him I resigned it with more comfort than I received it; he understanding me that I had changed for a better: but after I had given him that thought, I turned it upon this, that I left his state and business in good case, whereof I gave him a particular account.

The queen called upon me for the matter of he house, wherein your lordship and my Lord Chamberlain and I dealt, and received his majesty's direction, so that I shall prepare a warrant, first to my lord treasurer and Mr. Chancellor, (for that is the right way) to advise how to settle it by assignment, in case she survive his majesty, which I hope in God she shall not.

Her desire was expressly and of herself, that when I had prepared a warrant to be sent to his majesty, I should send it by your lordship's hand's.

We sit in council, that is all I can yet say. Sir John Denham is not come, upon whose coming the king shall have account of our consulta-

tions touching Ireland, which we cannot conclude, till we have spoken with him. God ever preserve and prosper you.

It grieveth me much, that I cannot hear enough of his majesty's good disposition of health, and his pleasures, and other ordinary occurrences of his journey: I pray your lordship will direct Mr. Packer to write to me sometime, of matters of that kind. I have made the like request to Sir Edward Villiers, by whom I write this present, to whose good affection I think myself beholden, as I do also esteem him much for his good parts, besides his nearness to your lordship, which bindeth me above all.

Your lordship's most faithful
and devoted friend and servant,
FR. BACON, C. S.

April 7, 1617.

TO THE EARL OF BUCKINGHAM.

MY SINGULAR GOOD LORD,

I pray your lordship to deliver to his majesty the enclosed.

I send your lordship, also, the warrant to my lord treasurer and Mr. Chancellor of the Exchequer for the queen's house,* it is to come again to the king, when the bill is drawn for the letters patents; for this is only the warrant to be signed by his majesty.

I asked the queen whether she would write to your lordship about it; her answer was very modest and discreet, that because it proceeded wholly from his majesty's kindness and goodness, who had referred it, it was not so fit for her to write to your lordship for the despatch of it, but she desired me to thank your lordship for your former care of it, and to desire you to continue it: and withal she desireth your lordship not to press his majesty in it, but to take his best times. This answer (because I like it so well) I write to you at large, for other matters I will write by the next. God ever prosper you and preserve you.

Your lordship's most faithful
and devoted friend and servant,
FR. BACON, C. S.

London, April 19, 1617.

TO THE LORD KEEPER.

MY HONOURED LORD,

I have acquainted his majesty with your letter, and the papers that came enclosed, who is exceedingly well satisfied with that account you have given him therein, especially with the speech you made at the taking of your place in the Chancery. Whereby his majesty perceiveth that you have not only given proof how well you understand the place of a chancellor, but done him much right also, in giving notice unto those that were present, that you had received such instructions from his majesty; whose honour will be so much the greater, in that all men will acknowledge the sufficiency and worthiness of his majesty's choice, in preferring a man of such abilities to that place, which, besides, cannot but be a great advancement and furtherance to his service. And I can assure your lordship, that his majesty was never so well pleased, as he is with this account you have given him of this passage. Thus, with the remembrance of my service, I rest

Your lordship's ever at command,
G. BUCKINGHAM.

Edinburgh, May 18, 1616.

* Somerset House.

TO THE LORD KEEPER.

MY HONOURABLE LORD,

His majesty commandeth me to write to your lordship, that he wonders your hand being at that letter of the lords of the council, which he saith is a very blunt one: you have not besides sent him some advice of your own, his majesty having only entrusted you to speak with Sir Lionel Cranfield about his estate.

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Newmarket, Nov. 19, 1617.

TO THE EARL OF BUCKINGHAM.

MY LORD:—How well I wish to Sir Gilbert Haughton, himself, I dare say, doth not doubt, partly out of mine own affection, and chiefly for your lordship's affection towards him, which to me is more than mine own. That the king should make bargains of hope, when his treasure sufficeth not for his own charge, I may not advise for my dearest friends; for I am nailed to the king's estate. But two things I shall assent unto; the one, that if the king can redeem his works without charge of officers, I shall be glad of it, both for the gentleman's sake, and because I perceive the uniting of the alum works in the king's hands is best; the other, that if his majesty be pleased to signify his pleasure to my lord treasurer and me, that there be no forfeiture taken by Banister, till the king shall advise of this bargain, we will hold him to it. God preserve and prosper your lordship. Your lordship, I think, perceiveth both my scribbling and cursory inditing, that I write in straits of business.

Your lordship's true friend
and devoted servant,
FR. BACON, C. S

York House, this 24th of Nov, 1617.

TO THE KING.

MAY IT PLEASE YOUR MAJESTY,

Being yesterday assembled in council to proceed in the course we had begun, for retrenchment of your majesty's expenses; we received your princely letters, whereby we are directed to send to your majesty the names of the officers of the exchequer, custom-house, and auditors, out of which you purpose to make choice of some to be sub-committed to handle the mechanic and laborious part of that which your majesty had appointed to our care; we have, according to our duty, sent unto your majesty the names of the several officers of your majesty in those places, to be ordered as your wisdom shall think best to direct. But withal, we thought it appurtenant to our duties to inform your majesty how far we have proceeded in the several heads of retrenchments by your majesty at your departure committed unto us, that when you know in what estate our labours are, your judgment may the better direct any further course, as shall be meet.

The matter of the household was by us, some days since, committed peremptorily to the officers of the house, as matter of commandment from your majesty, and of duty in them, to reduce the expense of your house to a limited charge of fifty thousand pounds by the year, besides the benefit of the compositions; and they have ever since painfully, as we are informed, travailed in it, and will be ready on Sunday next, which was the day given them, to present some models of retrenchments of divers kinds, all aiming at your majesty's service.

In the point of pensions we have made a beginning, by suspending some wholly for a time, and of others of a third part; in which course we are still going on, until we make it fit to be presented to your majesty; in like manner the Lord Chamberlain, and the Lord Hay, did yesterday report unto us, what their travail had ordered in the wardrobe; and, although some doubt did arise unto us, whether your majesty's letters intended a stay of our labours, until you had made choice of the sub-committee intended by you, yet, presuming that such a course by sub-committee was purposed rather for a furtherance than let to that work, we did resolve to go on still, till your majesty's further directions shall come unto us; and then, according to our duty, we will proceed as we shall be by your majesty commanded; In the mean time, we thought it our duty to inform your majesty of what we have done, that neither your majesty may conceive that we have been negligent in those things which were committed unto us, nor your directions by your late letters hinder or cast back that which is already so far proceeded in.

And so, humbly kissing your royal hands, and praying to the Almighty for your long and happy reign over us, we rest

Your majesty's most humble and obedient subjects and servants,

G. CANT.	JAMES HAY,
E. WORCESTER,	JUL. CÆSAR,
T. ARUNDEL,	T. SUFFOLK,
E. WOTTON,	PEMBROKE,
T. LAKE,	L. ELIE[n],
F. BACON, C. S.	T. EDMONDES,
LENNOX,	EDW. COKE,
W. WALLINGFORD,	C. EDMONDES.

Dec. 5, 1617.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

I have received your lordship's letters, wherein I see the continuance of your love and respect to me, in any thing I write to you of, for which I give your lordship many thanks, desiring nothing for any man but what you shall find just and convenient to pass. I am very glad to understand that there is so good hope of Sir Gilbert Houghton's business, which I must needs ascribe to your lordship's great favour toward him for my sake, which I will ever acknowledge. If his majesty at any time speak of the Lord Clifton's business, I will answer according to that your lordship hath written, &c.

Your lordship's faithful servant,

G. BUCKINGHAM.

Newmarket, the last of January, 1617.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

I have acquainted his majesty with your letter to me, and delivered likewise to him the letter and other things directed to his majesty, who hath commanded me to return this answer to them all.

First, for your memorial of your charge to the judges, he liketh it so well, that he findeth nothing either to be added or diminished; and was so well satisfied therewith, that he accounteth it needless to read the other papers, but sealed them up again, and sendeth them back to your lordship without reading them. Only in the point of recusants his majesty is of the quite contrary opinion to you; for though he would not by any means have a more severe course held than his laws appoint in that case, yet since the many reasons why, there should be no mitigation above that which his laws have enacted, and his own conscience telleth him to be fit. As, first, the Papists in his kingdom have taken such heart upon the commission given to Sir John Digby, touching the match with Spain, that they have sent copies thereof privately up and down, and

are so lifted up in their hopes of what they desire, that his majesty cannot but take a more severe course, as far as by his laws he may, than hitherto he hath done. Besides, when they shall see a harder hand carried toward them than hath been accustomed, his majesty assureth himself they will employ all their means to further the match, in hope of mitigating of that severity when it shall be accomplished. And though these reasons were not, his majesty would account it a baseness in a prince to show such a desire of the match, as to slack any thing in his course of government, much more in propagation of the religion he professeth, for fear of giving hindrance to the match thereby. And so, with many thanks for your favours to my brother in his business, I rest

Your lordship's faithful servant,

G. Buckingham.

Newmarket, Feb. 8, 1617.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

We have sat once upon the commission of treasure to no ill purpose, as may appear by the account enclosed; wherein his majesty will find no preposterous issue of treasure. Mr. Chancellor imagines well; Coke seeks, and beats over, as well where it is not, as where it is; Secretary Naunton forgets nothing. I will look to bow things to the true ends. God bless and prosper his majesty and yourself.

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

July 25, 1618.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

What passed in your lordship's presence your lordship can tell, touching the navy. The morrow following we concluded in approbation of the books, save in one point, touching the number convenient for manning the ships, wherein the number allowed by the commissioners had, in my judgment, a little of the merchant; for to measure by so many as were above dead pays, is no good argument. For the abuse of dead pays is to be amended, and not the necessary number abated. In this his majesty may fall upon a middle proportion between that of the commissioners and that of the officers.

It were good, now the three books which we have appointed to be engrossed into one ledger book are affirmed, there were a short book of his majesty's royal directions, and orders thereupon, extracted.

For the commission of the treasury, I persuade myself, they are of the first hours that have been well spent in that kind. We have put those particulars whereof his majesty gave us charge into a way.

Bingley's information will be to good purpose, and we find another of like nature revealed to Mr. Secretary and myself. God ever prosper you.

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

October 9, 1618.

TO THE LORD CHANCELLOR.

My Lord,—I have acquainted his majesty with your letter, who giveth you thanks for your advice to communicate the business of the Dutchmen to the commissioners of the treasury, which his majesty was before purposed to refer to them, as it concerns his treasure, for the carriage of it; and to your lordship and the rest named in your letter, for the relation it hath to the law. For the proposers of the suit, his majesty intendeth only to reward their pains as may stand with his service and his princely disposition, but to preserve the main benefit himself: all that his majesty would have your lordship to do for the present, is to take order about the writ of *ne exeant regnum*, to advise with his learned counsel what course is to be taken, and if by a warrant from his majesty, that your lordship send him a warrant to be signed, which shall be returned with all speed. Of other things his majesty thinketh it will be time enough to speak at his return to London. In the mean time I rest

Your lordship's faithful friend and servant,

G. Buckingham.

Hinchinbroke, Oct. 21, 1618.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

I have this morning received the petty roll for the sheriffs. I received also the papers exhibited by Sir Miles Fleetwood, which I will use to his majesty's best service, and thereupon give account to his majesty when time serveth.

My care, which is not dormant, touching his majesty's service, specially that of treasure, (which is now *summa summarum*,) maketh me propound to his majesty a matter, which, God is my witness, I do without contemplation of friend or end, but *animo recto*.

If Sir Edward Coke continue sick, or keep in, I fear his majesty's service will languish too, in those things which touch upon law; as the calling in debts, recusants, alienations, defalcations, etc. And this is most certain, that in these new diligences, if the first beginning cool, all will go

back to the old bias. Therefore, it may please his majesty to think of it, whether there will not be a kind of necessity to add my Lord Chief Justice of England to the commissioners of treasure. This I move only to the king and your lordship, otherwise it is a thing *ex non entibus*. God preserve and prosper you.

Your lordship's most faithful servant,
FR. VERULAM, Canc.

From the Star Chamber, Nov. 25, 1618.

I forget not Tufton's cause. All things stay, and precedents are in search.

TO THE KING.*

MAY IT PLEASE YOUR MOST EXCELLENT MAJESTY,

According to your majesty's pleasure, signified to us by the Lord Marquis Buckingham, we have considered of the fitness and conveniency of the gold and silver thread business, as also the profit that may accrue unto your majesty.

We are all of opinion that it is convenient that the same should be settled, having been brought hither at the great charge of your majesty's now agents, and being a means to set many of your poor subjects on work; and to this purpose there was a former certificate to your majesty from some of us with others.

And for the profit that will arise, we see no cause to doubt; but do conceive apparent likelihood, that it will redound much to your majesty's profit, which we esteem may be at the least ten thousand pounds by the year; and, therefore, in a business of such benefit to your majesty, it were good it were settled with all convenient speed, by all lawful means that may be thought of; which, notwithstanding, we most humbly leave to your majesty's highest wisdom.

Your majesty's most humble
and faithful servants,
FR. VERULAM, Canc.
H. MONTAGU,
HENRY YELVERTON.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

If I should use the Count de Gondomar's action, I should first lay your last letter to my mouth in token of thanks, and then to my heart in token of contentment, and then to my forehead in token of a perpetual remembrance.

* October 4, 1618 The Marquis of Buckingham write from Theobalds to the lord chancellor, that the king being desirous to be satisfied of the gold and silver thread business, ave his lordship consult the lord chief justice, and ney and solicitor general the

I send now to know how his majesty doth after his remove, and to give you account, that yesterday was a day of motions in the Chancery. This day was a day of motions in the Star Chamber, and it was my hap to clear the bar, that no man was left to move any thing, which my lords were pleased to note they never saw before. To-morrow is a sealing day; Thursday is the funeral day; so that I pray your lordship to direct me whether I shall attend his majesty Friday or Saturday. Friday hath some relics of business, and the commissioners of treasure have appointed to meet; but to see his majesty is to me above all.

I have set down, *de bene esse*, Suffolk's cause, the third sitting next term; if the wind suffer the commission of Ireland to be sped. I ever more and more rest

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

This 11th May, 1619.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

Your lordship hath sent so good news to his majesty that I could have wished you had been the reporter of it yourself; but seeing you came not, I cannot but give you thanks for employing me in the delivering of that which pleased his majesty so well, whereof he will put your lordship in mind when he seeth you. I am glad we are come so near together, and hoping to see you at Windsor, I rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

August 29th, 1619.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

As I was reading your lordship's letter, his majesty came, and took it out of my hands, when he knew from whom it came, before I could read the paper enclosed, and told me that you had done like a wise counsellor; first setting down the state of the question, and then propounding the difficulties, the rest being to be done in its own time.

I am glad of this occasion of writing to your lordship, that I may now let your lordship understand his majesty's good conceit and acceptation of your service, upon your discourse with him at Windsor; which, though I heard not myself, yet I heard his majesty much commend it, both for the method and the affection you showed therein to his affairs, in such earnest manner, as if you

made it your only study and care to advance his majesty's service. And so I rest

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

Wanstead, September 9th, 1619.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

I have received your letters by both your servants, and have acquainted his majesty with them, who is exceedingly pleased with the course you have held in the Earl of Suffolk's business, and holdeth himself so much the more beholden to you, because you sent the letter of your own motion, without order or consent of the lords, whereby his majesty is not tied to an answer. His majesty hath understood by many how worthily your lordship hath carried yourself both in this and the Dutch business; for which he hath commanded me to give you thanks in his name; and seeth your care to be so great in all things that concern his service, that he cannot but much rejoice in the trust of such a servant, which is no less comfort to

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

Royston, October 23d, 1619.

Endorsed,

On my Lord of Bucks, enclosing a letter of submission from my Lord of Suffolk.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

The news of this victory hath so well pleased his majesty, that he giveth thanks to all; and I, among the rest, who had no other part but the delivering of your letter, had my part of his good acceptation, which he would have rewarded after the Roman fashion with every man a garland, if it had been now in use; but after the fashion of his gracious goodness, he giveth your lordship thanks; and would have you deliver the like, in his majesty's name, to Sir Edward Coke and the judges. Your news, which came the first, gave his majesty a very good breakfast, and I hope his health will be the better after it.

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

October 11th, 1619.

Endorsed,

Thanks on the Success in the Ore Tenus *against the Dutch.*

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I send the submission of Sir Thomas Laque, drawn in such form as, upon a meeting with me of the chief justices and the learned counsel, was conceived agreeable to his majesty's meaning and directions; yet, lest we should err, we thought good to send it to his majesty. It is to be returned with speed, or else there will be no day in court to make it. God bless and prosper you. I rest

Your lordship's most obliged friend
and faithful servant,

FR. VERULAM, Canc.

November 28th, 1619.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

I have acquainted his majesty with your lordship's letter, and with the submission you sent drawn for Sir Thomas Lake, which his majesty liketh well, and, because he served him in so honourable a place, is graciously pleased that he maketh submission in writing, so that my Lady of Exeter be contented and the lords, whom his majesty would have you acquaint therewith. And so I rest

Your lordship's faithful friend and servant,

G. BUCKINGHAM.

Newmarket, 29th Nov., 1619.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

We sentence to-morrow, but I write to-day, because I would not leave the king in suspense.

I shall write not so good news as I would, but better than I expected.

We met amongst ourselves to-day, which I find was necessary more than convenient. I gave aim that the meeting was not to give a privie verdict, or to determine what was a good proof or not a good proof, nor who was guilty or not guilty, but only to think of some fit proportion of the fines, that there might be less distraction in the sentence, in a cause so scattered; some would have entered into the matter itself, but I made it good and kept them from it.

I perceive the old defendants will be censured as well as the new, (which was the goal,) and I am persuaded the king will have a great deal of honour of the cause. Their fines will be moderate, but far from contemptible. The attorney did very well to-day; I perceive he is a better pleader than a director, and more eloquent than considerate.

Little thinks the king what ado I have here, but I am sure I acquit my trust. To-morrow I will write particularly. God ever preserve you.

Your lordship's most obliged friend
and faithful servant,

FR. VERULAM, Canc.

Tuesday Afternoon, this 7th Dec., 1619

TO THE LORD CHANCELLOR

My Lord,—His majesty having seen in this great business your exceeding care and diligence in his service by the effect which hath followed thereupon, hath commanded me to give you many thanks in his name, and to tell you that he seeth you play the part of all in all, &c.

Yours, &c.
G. Buckingham.

Newmarket, the 10th December, 1619.

Endorsed,
In the Dutch Cause.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

To keep form, I have written immediately to his majesty of Justice Croke's death, and send your lordship the letter open, wishing time were not lost. God preserve and prosper you.

Your lordship's ever,
Fr. Verulam, Canc.

January 24th, 1619.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

I doubt not but Sir Giles Montpesson advertiseth your lordship how our revenue business proceeds. I would his majesty had rested upon the first names; for the additionals, specially the exchequer man, doth not only weaken the matter, but weakeneth my forces in it, he being thought to have been brought in across. But I go on, and hope good service will be done.

For the commissions to be published in the Star Chamber, for which it pleaseth his majesty to give me special thanks, I will have special care of them in time. God ever prosper you.

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

February 10, 1619.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

One gave me a very good precept for the stone; that I should think of it most when I feel it least. This I apply to the king's business, which surely I revolve most when I am least in action, whereof, at my attendance, I will give his majesty such account as can proceed from my poor and mean abilities, which as his majesty, out of grace, may think to be more than they are, so I, out of desire, may think sometime they can effect more than they can. But still it must be remembered, that the stringing of the harp, nor the tuning of it will not serve, except it be well played on from time to time.

If his majesty's business or commandments require it, I will attend him at Windsor, though I would be glad to be spared, because quick airs at this time of the year do affect me. At London, and so at Theobalds and Hampton Court, I will not fail, God willing, to wait upon his majesty. Meanwhile I am exceeding glad to hear his majesty hath been lusty and well this progress. Thus, much desiring to see your lordship, *cujus amor tantum mihi crescit in horas*, (as the poet saith,) I ever remain

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

Gorhambury, this 30th August, 1620.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

The tobacco business is well settled in all points. For the coals, they that brought the offer to Secretary Calvert, do very basely shrink from their words; but we are casting about to piece it and perfect it. The two goose quills, Maxwell and Alured, have been pulled, and they have made submissions in that kind which the board thought fit: for we would not do them the honour to require a recantation of their opinion, but an acknowledgment of their presumption.

His majesty doth very wisely, (not showing much care or dread to it,) yet really to suppress this licentious course of talking and writing. My old Lord Burghley was wont to say, that the Frenchman, when he hath talked, he hath done; but the Englishman, when he hath talked, he begins. It evaporateth malice and discontent in the one, and kindleth it in the other. And therefore, upon some fit occasion, I wish a more public example. The king's states, if I should now die and were opened, would be found at my heart, as Queen Mary said of Calais; we find additionals still, but the consumption goeth on. I pray God give his majesty resolution, passing by at once all impediments and less respects, to do that which may help it, before it be irremediable. God ever preserve and prosper your lordship.

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

July 23d, 1620.

I have stayed the thousand pounds set upon Englefield, for his majesty, and given order for levying it.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

I write now only a letter of thanks to his majesty, for that I hear in my absence, he was pleased to express towards me, (though unworthy,) a great deal of grace and good opinion before his lords; which is much to my comfort, whereunto I must ever impute your lordship as accessary. I have also written to him what signification I received from Secretary Naunton, of his majesty's will and pleasure, lest in so great a business, there should be any mistaking.

The pain of my foot is gone, but the weakness doth a little remain, so as I hope, within a day or two, to have full use of it. I ever remain

Your lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

October 2d, 1620.

TO THE KING.

It may please your Majesty,

I thought myself an unfortunate man, that I could not attend you at Theobald's. But I hear that your majesty hath done, as God Almighty useth to do, which is to turn evil into good, in that your majesty hath been pleased upon that occasion to express, before your lords, your gracious opinion and favour towards me, which I most humbly thank your majesty for, and will aspire to deserve.

Secretary Naunton this day brought me your pleasure in certain notes: that I should advise with the two chief justices, (old Parliament men,) and Sir Edward Coke, (who is also their senior in that school,) and Sir Randall Crewe, the last speaker, and such other judges as we should think fit, touching that which might in true policy, without packing or degenerate arts, prepare to a Parliament, in case your majesty should resolve of one to be held, and withal he signified to me some particular points, which your majesty very wisely had deduced.

All your majesty's business is *super cor meum*, for I lay it to heart, but this is a business *secundum cor meum;* and yet, as I will do your majesty all possible good services in it, so I am far from seeking to impropriate to myself the thanks, but shall become *omnibus omnia*, (as St. Paul saith,) to attain your majesty's ends.

As soon as I have occasion, I will write to your majesty touching the same, and will have special care to communicate with my lords in some principal points, though all things are not at first fit for the whole table. I ever rest

Your majesty's most bounden
and most devoted servant,
Fr. Verulam, Canc.

October 2d, 1620.

Your majesty needeth not to doubt but I shall carry the business with that secrecy which appertaineth.

TO THE LORD CHANCELLOR.

My Lord:—I have acquainted his majesty with your letter, and labour in his service, for which he commandeth me to give you thanks, and to let your lordship know, that he liketh exceeding well your method held by the judges, which could not be amended, and concurreth with you in your opinions. First, touching the proclamation; that it should be monitory and persuasive rather than compulsive: and, secondly, that the point concerning the persons, who should be admitted and who avoided, is fit to be kept from the knowledge of the council table, and to be carried with all secrecy.

For the business of Ireland, his majesty had heard of it before, and gave commandment to the master of the wards, that it should be hastened and set in hand with all speed, which his majesty doubteth not but is done by this time. Touching your advice for a treasurer, his majesty is very mindful of it, and will let you know as much at his return, when he will speak further with your lordship of it: and so I rest

Yours, &c.
G. Buckingham.

Royston, Oct. 9th, 1620.

TO THE LORD CHANCELLOR.

My honourable Lord,

I have showed your letter and the proclamation to his majesty, who expecting only, according as his meaning was, directions therein for the well ordering of the elections of the burgesses, findeth a great deal more, containing matter of state, and the reasons of calling the Parliament; whereof neither the people are capable, nor is it fit for his majesty to open unto them, but to reserve to the time of their assembling, according to the course of his predecessors, which his majesty intendeth to follow. The declaring whereof, in the proclamation, would cut off the ground of his majesty's and your lordship's speech at the proper time his majesty hath, therefore, extracted somewhat of the latter part of the draught you have sent, purposing to take a few days' space to set down himself what he thinketh fit, and to make it ready against his return hither, or to Theobald's at the furthest, and then to communicate it to your lordship, and the rest of the lords. And so I rest

Yours, &c.
G. Buckingham.

Royston, Oct. 19th, 1620.

TO THE MARQUIS OF BUCKINGHAM.

OUR VERY GOOD LORD,

We thought it our duty to impart to his majesty, by your lordship, one particular of Parliament business, which we hold it our part to relate, though it be too high for us to give our opinion of it.

The officers that make out the writs of Parliament, addressed themselves to me, the chancellor, to know whether they should make such a writ of summons to the prince, giving me to understand that there were some precedents of it, which I, the chancellor, communicated with the rest of the committees for Parliament business, in whose assistance I find so much strength, that I am not willing to do any thing without them. Whereupon, we, (according to his majesty's prudent and constant rule, for observing in what reigns the precedents were,) upon diligent search, have found as followeth:

That King Edward I. called his eldest son Prince Edward, to his Parliament, in the thirtieth year of his reign, the prince then being about the age of eighteen years; and to another Parliament, in the four-and-thirtieth year of his reign.

Edward III. called the Black Prince, his eldest son, to his Parliament in the five-and-twentieth, eight-and twentieth, and two-and-fortieth years of his reign.

Henry IV. called Prince Henry to his Parliaments in the first, third, eighth, and eleventh years of his reign, the prince being under age in the three first Parliaments; and we find in particular, that the eighth year, the prince sat in the Upper House in days of business, and recommended a bill to the lords.

King Edward IV. called Prince Edward, his son, to his Parliament, in *anno* 22 of his reign, being within age.

King Henry VII. called Prince Arthur to his Parliament in the seventh year of his reign, being within age.

Of King Edward VI. we find nothing; his years were tender, and he was not created Prince of Wales.

And for Prince Henry, he was created Prince of Wales during the last Parliament at which he lived.

We have thought it our duty to relate to his majesty what we have found; and, withal, that the writs of summons to the prince are not much differing from the writs to the peers; for they run in *fide et ligeancia*, and sometimes in *fide et homagio in quibus nobis tenemini*, and after *consilium nobis impensuri circa ardua regni.* Whereby it should seem that princes came to Parliament, not only in the days of solemnity, when they came without writ, but also on the days of sitting. And, if it should be so, then the prince may vote, and likewise may be of a committee of the Upper House, and, consequently, may be of a conference with the Lower House, and the like.

This might have been made more manifest as to the presence and acts of the prince in days of sitting, if, through the negligence of officers, the *journal books of the Upper House of Parliament,* before the reign of King Henry VIII., were not all missing.

All which we thought it appertained to our care to look through, and faithfully to represent to his majesty. And having agreed secrecy amongst ourselves, and enjoined it to the inferior officers, we humbly desire to know his majesty's pleasure, whether he will silence the question altogether, or make use of it for his service, or refer it to his council, or what other course he will be pleased to take, according to his great wisdom and good pleasure.

This we have despatched the sooner, because the writs of summons must have forty days distance from the first days of the Parliament. And for the other parts of our accounts, his majesty shall hear from us, by the grace of God, within few days. Evermore praying for his majesty's prosperity, and wishing your lordship much happiness,

Your lordship's to be commanded,
FR. VERULAM, Canc.,
H. MONTAGU,
EDW. COKE,
HENRY HOBARTE,
RAN. CREW.

York House, Nov. 21st, 1620.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

We have, these two days past, made report to the board of our Parliament committee, upon relation whereof, for some things we provide, for some things we arm.

The king, by my lord treasurer's signification, did wisely put it upon a consult, whether the patents which we mentioned in our joint letters, were at this time to be removed, by act of council before Parliament. I opined, (but yet somewhat like Ovid's mistress that strove, but yet as one that would be overcome) that yes. My reasons:

That men would go better and faster to the main errand.

That these things should not be staged, nor talked of, and so the less fuel to the fire.

That in things of this nature, wherein the council had done the like in former particulars (which I enumerated) before Parliament, near Parliament, during Parliament, the council were to keep their wonted sentinel, as if they thought not of a Parliament, to destroy in other patents, as concealments.

The reasons on the other side were,

That it would be thought but a humouring of the Parliament, (being now in the calends of a

Parliament,) and that after Parliament they would come up again.

That offered graces, by reason and experience, lose their thanks.

They that are to be suffered to play upon something, since they can do nothing of themselves.

That the choosing out of some things, when perhaps their minds might be more upon other things, would do no great effect.

That former patents, taken away by act of council, were upon the complaints of particular persons; whereas now it should seem to be done *tanquam ex officio*.

To this I yielded, though I confess I am yet a little doubtful to the point of *suavibus modis*. But it is true that the speech of these, though in the Lower House, may be contemned; and if way be given to them (as I writ to your lordship of some of them in my last) it will sort to your honour. For other things, the lords have put them in a very good way, of which I will give express account when I see his majesty, as also of other observations concerning Parliament. For if his majesty said well that when he knew the men and the elections, he would guess at the success; the prognostics are not so good as I expected, occasioned by the late occurrents abroad, and the general licentious speaking of state matters, of which I wrote in my last. God ever keep you.

Your lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

Dec. 16, 1620.

TO THE LORD CHANCELLOR.

MY HONOURABLE LORD,

As soon as his majesty's convenience would permit, I have acquainted him with the draught of the proclamation your lordship sent me by his majesty's direction. His majesty liketh it in every point so well, both in matter and form, that he findeth no cause to alter a word in it, and would have your lordship acquaint the lords of the council with it, (though he assureth himself, no man can find any thing in it to be changed,) and to take order for the speedy setting it forth. And so I rest

Yours, &c.
G. BUCKINGHAM.

Theobalds, Dec. 21, 1620.

TO THE LORD CHANCELLOR.

I HAVE acquainted his majesty with your letter and the enclosed, the matter which his majesty hath been thinking upon for his speech, concerneth both the points of the institution of a Parliament, and of the end for which this is called; yet his majesty thinketh it fit that some extract be made out of it, which needeth to be but very short, as he will show you at his return.

Yours, &c.
G. BUCKINGHAM.

Theobalds, Jan. 19, 1620.

TO THE RIGHT HONOURABLE HIS VERY GOOD LORDS, THE LORDS SPIRITUAL AND TEMPORAL IN THE UPPER HOUSE OF PARLIAMENT ASSEMBLED.

MY VERY GOOD LORDS,

I humbly pray your lordships all to make a favourable and true construction of my absence. It is no feigning or fainting, but sickness both of my heart and of my back, though joined with that comfort of mind that persuadeth me that I am not far from Heaven, whereof I feel the first-fruits.

And because, whether I live or die I would be glad to preserve my honour and fame, so far as I am worthy; hearing that some complaints of base bribery are coming before your lordships, my requests unto your lordships are:

First, That you will maintain me in your good opinion, without prejudice, until my cause be heard.

Secondly, That in regard I have sequestered my mind at this time in great part from worldly matters, thinking of my account and answers in a higher court, your lordships will give me convenient time, according to the course of other courts, to advise with my counsel, and to make my answer; wherein, nevertheless, my counsel's part will be the least: for I shall not, by the grace of God, trick up an innocency with cavillations, but plainly and ingenuously (as your lordships know my manner is) declare what I know or remember.

Thirdly, That according to the course of justice, I may be allowed to except to the witnesses brought against me; and to move questions to your lordships for their cross-examinations; and likewise to produce my own witnesses for the discovery of the truth.

And lastly, That if there be any more petitions of like nature, that your lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a judge, that makes two thousand orders and decrees in a year, (not to speak of the courses that have been taken for hunting out complaints against me,) but that I may answer them according to the rules of justice, severally and respectively.

These requests, I hope, appear to your lordships no other than just. And so thinking myself happy to have so noble peers and reverend prelates to discern of my cause; and desiring no privilege of greatness for subterfuge of guiltiness;

but meaning, as I said, to deal fairly and plainly with your lordships, and to put myself upon your honours and favours; I pray God to bless your counsels and persons. And rest

Your lordships' humble servant,

FR. ST. ALBAN, Canc.

March 19th, 1620.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I think myself infinitely bounden to your majesty, for vouchsafing me access to your royal person, and to touch the hem of your garment. I see your majesty imitateth him that would not break the broken reed, nor quench the smoking flax; and as your majesty imitateth Christ, so I hope assuredly my lords of the Upper House will imitate you, and unto your majesty's grace and mercy, and next to my lords, I recommend myself. It is not possible, nor it were not safe, for me to answer particulars till I have my charge; which, when I shall receive, I shall, without fig-leaves or disguise, excuse what I can excuse, extenuate what I can extenuate, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I might conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent, once for my fault, and the second time for my error, and so submitting all that I am to your majesty's grace, I rest.

April 20, 1621.

TO THE KING.

IT MAY PLEASE YOUR MAJESTY,

It hath pleased God for these three days past, to visit me with such extremity of headach upon the hinder part of my head, fixed in one place, that I thought verily it had been some imposthumation; and then the little physic that I have told me that either it must grow to a congelation, and so to a lethargy, or to break, and so to a mortal fever or sudden death; which apprehension, and chiefly the anguish of the pain, made me unable to think of any business. But now that the pain itself is assuaged to be tolerable, I resume the care of my business, and therein prostrate myself again, by my letter, at your majesty's feet.

Your majesty can bear me witness, that at my last so comfortable access, I did not so much as move your majesty by your absolute power of pardon, or otherwise, to take my cause into your hands, and to interpose between the sentence of the House. And according to my desire, your majesty left it to the sentence of the House by my lord treasurer's report.

But now, if not *per omnipotentiam*, as the divines say, but *per potestatem suaviter disponentem*, your majesty will graciously save me from a sentence, with the good liking of the House, and that cup may pass from me, it is the utmost of my desires. This I move with the more belief, because I assure myself, that if it be reformation that is sought, the very taking away of the seal, upon my general submission, will be as much in example, for these four hundred years, as any further severity.

The means of this I most humbly leave unto your majesty, but surely I should conceive, that your majesty opening yourself in this kind to the lords, counsellors, and a motion of the prince, after my submission, and my lord marquis using his interest with his friends in the House, may affect the sparing of the sentence; I making my humble suit to the House for that purpose, joined with the delivery up of the seal into your majesty's hands. This is my last suit that I shall make to your majesty in this business, prostrating myself at your mercy-seat, after fifteen years' service, wherein I have served your majesty in my poor endeavours, with an entire heart. And, as I presume to say unto your majesty, am still a virgin, for matters that concern your person or crown, and now only craving that after eight steps of honour, I be not precipitated altogether.

But, because he that hath taken bribes is apt to give bribes, I will go further, and present your majesty with bribe; for if your majesty give me peace and leisure, and God give me life, I will present you with a good history of England, and a better digest of your laws. And so concluding with my prayers, I rest

Clay in your majesty's hands,

FR. ST. ALBAN.

May 2, 1621.

TO THE PRINCE OF WALES.

IT MAY PLEASE YOUR HIGHNESS,

When I called to mind how infinitely I am bound to your highness, that stretched forth your arm to save me from a sentence, that took hold of me to keep me from being plunged deep in a sentence, that hath kept me alive in your gracious memory and mention since the sentence. pitying me, as I hope I deserve, and valuing me far above that I can deserve, I find my words almost as barren as my fortunes, to express unto your highness the thankfulness I owe. Therefore, I can but resort to prayers to Almighty God to clothe you with his most rich and precious blessings, and likewise joyfully to meditate upon those he hath conferred upon you already; in that he hath made you to the king your father a principal part of his safety, contentment, and continuance; in yourself so judicious, accomplished, and graceful in all your doings, with more virtues in the buds, which are the sweetest that have been known in a young prince of long time; with

the realm so well beloved, so much honoured, as it is men's daily observation how nearly you approach to his majesty's perfections; how every day you exceed yourself; how, compared with other princes, which God hath ordained to be young at this time, you shine amongst them; they rather setting off your religious, moral, and natural excellences, than matching them, though you be but a second person. These and such like meditations I feed upon, since I can yield your highness no other retribution. And for myself, I hope by the assistance of God above, of whose grace and favour I have had extraordinary signs and effects during my afflictions, to lead such a life in the last acts thereof, as, whether his majesty employ me, or whether I live to myself, I shall make the world say that I was not unworthy such a patron.

I am much beholden to your highness's worthy servant, Sir John Vaughan, the sweet air and loving usage of whose house hath already much revived my languishing spirits: I beseech your highness, thank him for me. God ever preserve and prosper your highness.

Your highness's most humble and
most bounden servant,
FR. ST. ALBAN.

June 1, 1621.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I humbly thank your majesty for my liberty, without which timely grant, any farther grace would have come too late. But your majesty, that did shed tears in the beginning of my trouble, will, I hope, shed the dew of your grace and goodness upon me in the end. Let me live to serve you, else life is but the shadow of death to

Your majesty's most devoted servant,
FR. ST. ALBAN.

June 4, 1621.

TO THE MARQUIS OF BUCKINGHAM.

MY VERY GOOD LORD,

I heartily thank your lordship for getting me out of prison; and now my body is out, my mind, nevertheless, will be still in prison, till I may be on my feet to do his majesty and your lordship faithful service. Wherein your lordship, by the grace of God, shall find that my adversity hath neither spent, nor pent my spirits. God prosper you.

Your lordship's most obliged friend
and faithful servant,
FR. ST. ALBAN.

June 1, 1621.

TO THE KING.

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

I perceive, by my noble and constant friend, the marquis, that your majesty hath a gracious inclination towards me, and taketh care of me, for fifteen years the subject of your favour, now of your compassion, for which I most humbly thank your majesty. This same *nova creatura* is the work of God's pardon and the king's, and since I have the inward seal of the one, I hope well of the other.

Utar, saith Seneca to his master, *magnis exemplis; nec meæ fortunæ, sed tuæ.* Demosthenes was banished for bribery of the highest nature, yet was recalled with honour; Marcus Livius was condemned for exactions, yet afterwards made consul and censor. Seneca banished for divers corruptions, yet was afterwards restored, and an instrument of that memorable Quinquennium Neronis. Many more. This, if it please your majesty, I do not say for appetite of employment, but for hope that if I do by myself as is fit, your majesty will never suffer me to die in want or dishonour. I do now feed myself upon remembrance, how, when your majesty used to go a progress, what loving and confident charges you were wont to give me touching your business. For, as Aristotle saith, young men may be happy by hope, so why should not old men, and sequestered men, by remembrance. God ever prosper and preserve your majesty.

Your majesty's most bounden
and devoted servant,
FR. ST. ALBAN.

July 16, 1621.

TO THE LORD ST. ALBAN.

MY HONOURABLE LORD,

I have delivered your lordship's letter of thanks to his majesty, who accepted it very graciously, and will be glad to see your book, which you promised to send very shortly, as soon as it cometh. I send your lordship his majesty's warrant for your pardon, as you desired it; but am sorry, that in the current of my service to your lordship there should be the least stop of any thing; yet having moved his majesty, upon your servant's intimation, for your stay in London till Christmas, I found his majesty, who hath in all other occasions, and even in that particular already, to the dislike of many of your own friends, showed with great forwardness his gracious favour towards you, very unwilling to grant you any longer liberty to abide there; which, being but a small advantage to you, would be a great and general distaste, as you cannot but easily conceive, to the whole state. And I am the more sorry for this refusal of his majesty's falling in a time when I was a suitor to your lordship in a particular concerning

myself, wherein, though your servant insisted further than, I am sure, would ever enter into your thoughts, I cannot but take it as a part of a faithful servant in him. But if your lordship, or your lady, find it inconvenient for you to part with the house, I would rather provide myself otherwise than any way incommodate you, but will never slack any thing of my affection to do you service; whereof, if I have not yet given good proof, I will desire nothing more than the fittest occasion to show how much I am

Your lordship's faithful servant,
G. Buckingham.

October, 1621.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

An unexpected accident maketh me hasten this letter to your lordship, before I could despatch Mr. Meautys; it is that my lord keeper hath stayed my pardon at the seal. But it is with good respect; for he saith it shall be private, and then he would forthwith write to your lordship, and would pass it if he received your pleasure; and doth also show his reason of stay, which is, that he doubteth the exception of the sentence of Parliament is not well drawn, nor strong enough, which, if it be doubtful, my lord hath great reason. But sure I am, both myself, and the king, and your lordship, and Mr. Attorney meant clearly, and I think Mr. Attorney's pen hath gone well. My humble request to your lordship is, that, for my lord's satisfaction, Mr. Solicitor may be joined with Mr. Attorney, and if it be safe enough, it may go on; if not it may be amended. I ever rest

Your lordship's most obliged friend,
and faithful servant,
Fr. St. Alban.

October 18, 1621.

TO THE LORD ST. ALBAN.

My honourable Lord,

I have brought your servant along to this place, in expectation of the letter from the lord keeper, which your lordship mentioneth in yours, but having not yet received it, I cannot make answer to the business you write of; and, therefore, thought fit not to detain your man here any longer, having nothing else to write, but that I always rest

Your lordship's faithful friend and servant,
G. Buckingham.

Hinchenbrook, Oct. 20, 1621.

TO THE LORD ST. ALBAN.

My noble Lord,

Now that I am provided of a house, I have thought it congruous to give your lordship notice thereof, that you may no longer hang upon the treaty, which hath been between your lordship and me, touching York House; in which I assure your lordship I never desired to put you to the least inconvenience. So I rest

Your lordship's servant,
G. Buckingham.

TO THE LORD ST. ALBAN.

My Lord,—I am glad your lordship understands me so rightly in my last letter. I continue still in the same mind, for, I thank God, I am settled to my contentment; and so I hope you shall enjoy yours with the more, because I am so well pleased in mine. And, my lord, I shall be very far from taking it ill, if you part with it to any else, judging it alike unreasonableness to desire that which is another man's, and to bind him by promise or otherwise not to let it to another.

My lord, I will move his majesty to take commiseration of your long imprisonment,* which, in some respects, both you and I have reason to think harder than the Tower; you for the help of physic, your parley with your creditors, your conference for your writings and studies, dealing with friends about your business; and I for this advantage, to be sometimes happy in visiting and conversing with your lordship, whose company I am much desirous to enjoy, as being tied by ancient acquaintance to rest

Your lordship's faithful friend and servant,
G. Buckingham.

TO THE MARQUIS OF BUCKINGHAM.

My very good Lord,

These main and real favours which I have lately received from your good lordship in procuring my liberty, and a reference of the consideration of my release, are such as I now find, that in building upon your lordship's noble nature and friendship, I have built upon the rock where neither winds or waves can cause overthrow. I humbly pray your lordship to accept from me such thanks as ought to come from him whom you have much comforted in fortune, and much more comforted in showing your love and affection to him, of which I have heard by my Lord of Faulkland, Sir Edward Sackville, Mr. Matthew, and otherwise.

I have written, as my duty was, to his majesty, thanks, touching the same, by the letter I here put into your noble hands.

I have made also, in that letter, an offer his majesty, of my service, for bringing into tter order and frame the laws of England. he declaration whereof I have left with Sir Ed-

* Restraint from coming within the verge of the court.

ward Sackville, because it were no good manners to clog his majesty, at this time of triumph and recreation, with a business of this nature, so as your lordship may be pleased to call for it to Sir Edward Sackville, when you think the time reasonable.

I am bold likewise to present your lordship with a book of my History of King Henry VII., and now that, in summer was twelve months, I dedicated a book to his majesty, and this last summer, this book to the prince, your lordship's turn is next; and this summer that cometh, if I live to it, shall be yours. I have desired his majesty to appoint me the task, otherwise I shall use my own choice, for this is the best retribution I can make to your lordship. God prosper you. I rest

Your lordship's most obliged friend
and faithful servant,
FR. ST. ALBAN.

Gorhambury, this 20th of March, 1621.

Endorsed,

To the Right Honourable his very good lord, the Lord Marquis of Buckingham, High Admiral of England.

TO THE KING.

MAY IT PLEASE YOUR MAJESTY,

I acknowledge myself in all humbleness infinitely bounden to your majesty's grace and goodness, for that, at the intercession of my noble and constant friend, my lord marquis, your majesty hath been pleased to grant me that which the civilians say, is *res inæstimabilis*, my liberty; so that now, whenever God calleth me, I shall not die a prisoner; nay, further, your majesty hath vouchsafed to rest a second and iterate aspect of your eye of compassion upon me, in the referring the consideration of my broken estate to my good lord the treasurer, which as it is a singular bounty in your majesty, so I have yet so much left of a late commissioner of your treasure, as I would be sorry to sue for any thing that might seem immodest. These your majesty's great benefits, in casting your bread upon the waters, as the Scripture saith, because my thanks cannot any ways be sufficient to attain, I have raised your progenitor of famous memory, and now I hope of more famous memory than before, King Henry VII., to give your majesty thanks for me; which work, most humbly kissing your majesty's hands, I do present. And because, in the beginning of my trouble, when in the midst of the tempest I had a kenning of the harbour, which I hope now, by your majesty's favour, I am entering into, I made a tender to your majesty of two works, a History of England, and a Digest of your Laws, as I have by a figure of *pars pro toto* performed the one, so I have herewith sent your majesty, by way of an epistle, a new offer of the other; but my desire is farther, if it stand with your majesty's good pleasure, since now my study is my exchange, and my pen my factor for the use of my talent, that your majesty, who is a great master in these things, would be pleased to appoint me some task to write, and that I should take for an oracle. And because my Instauration, which I esteem my great work, and do still go on with in silence, was dedicated to your majesty, and this History of King Henry VII., to your lively and excellent image the prince, if now your majesty will be pleased to give me a theme to dedicate to my Lord of Buckingham, whom I have so much reason to honour, I should with more alacrity embrace your majesty's direction than my own choice. Your majesty will pardon me for troubling you thus long. God evermore preserve and prosper you.

Your majesty's poor beadsman most devoted,
FR. ST. ALBAN.

Gorhambury, this 20th March, 1621.

TO THE LORD DIGBY.

MY VERY GOOD LORD,

I now only send my best wishes, to follow you at sea and land, with due thanks for your late great favours. God knows, whether the length of your voyage will not exceed the size of my hour-glass. But whilst I live, my affection to do you service shall remain quick under the ashes of my fortune.

TO THE LORD ST ALBAN.

MY LORD,—I have despatched the business your lordship recommended to me, which I send your lordship here enclosed, signed by his majesty, and have likewise moved him for your coming to kiss his hand, which he is pleased you shall do at Whitehall when he returneth next thither. In the mean time I rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Newmarket, Nov. 13th, 1622.

I will give order to my secretary to wait upon Sir John Suckling about your other business.

Endorsed,

My Lord of Bucks touching my warrant and access.

TO THE MARQUIS OF BUCKINGHAM.

EXCELLENT LORD,

Though I have troubled your lordship with many letters, oftener than I think I should, (save that affection keepeth no account,) yet, upon the repair of Mr. Matthew, a gentleman so much

your lordship's servant, and to me another myself, as your lordship best knoweth, you would not have thought me a man alive, except I had put a letter into his hand, and withal, by so faithful and approved a man, commended my fortunes afresh unto your lordship.

My lord, to speak my heart to your lordship, I never felt my misfortunes so much as now: not for that part which may concern myself, who profit (I thank God for it) both in patience and in settling mine own courses; but when I look abroad and see the times so stirring, and so much dissimulation and falsehood, baseness and envy in the world, and so many idle clocks going in men's heads, then it grieveth me much, that I am not sometimes at your lordship's elbow, that I might give you some of the fruits of the careful advice, modest liberty, and true information of a friend that loveth your lordship as I do. For, though your lordship's fortunes be above the thunder and storms of inferior regions, yet, nevertheless, to hear the wind, and not to feel it, will make one sleep the better.

My good lord, somewhat I have been, and much I have read; so that few things that concern states or greatness, are new cases unto me: and therefore I hope I may be no unprofitable servant to your lordship. I remember the king was wont to make a character of me, far above my worth, that I was not made for small matters: and your lordship would sometimes bring me from his majesty that Latin sentence, *de minimis non curat lex;* and it hath so fallen out, that since my retiring, times have been fuller of great matters than before; wherein, perhaps, if I had continued near his majesty, he might have found more use of my service, if my gift lay that way; but that is but a vain imagination of mine. True it is, that as I do not aspire to use my talent in the king's great affairs; yet, for that which may concern your lordship, and your fortune, no man living shall give you a better account of faith, industry, and affection than I shall. I must conclude with that which gave me occasion of this letter, which is Mr. Mathew's employment to your lordship in those parts, wherein I am verily persuaded your lordship shall find him a wise and able gentleman, and one that will bend his knowledge of the world (which is great) to serve his majesty, and the prince, and in especial your lordship. So I rest

Your lordship's most obliged
and faithful servant,
FR. ST. ALBAN.

Gray's Inn, this 18th of April, 1623.

-

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

How much I rejoice in your grace's safe return you will easily believe, knowing how well I love you, and how much I need you. There be many things in this journey, both in the felicity and in the carriage thereof, that I do not a little admire, and wish your grace may reap more and more fruits in continuance answerable to the beginnings; myself have ridden at anchor all your grace's absence, and my cables are now quite worn. I had from Sir Toby Mathew, out of Spain, a very comfortable message, that your grace had said, I should be the first that you would remember in any great favour after your return; and now coming from court, he telleth me he had commission from your lordship to confirm it: for which I humbly kiss your hands.

My lord, do some good work upon me, that I may end my days in comfort, which, nevertheless, cannot be complete except you put me in some way to do your noble self service, for I must ever rest

Your grace's most obliged
and faithful servant,
FR. ST. ALBAN.

October 12, 1623.

I have written to his highness, and had presented my duty to his highness to kiss his hands at York House, but that my health is scarce yet confirmed.

TO THE LORD ST. ALBAN.

MY LORD,—The assurance of your love makes me easily believe your joy at my return; and if I may be so happy as, by the credit of my place, to supply the decay of your cables, I shall account it one of the special fruits thereof. What Sir Toby Matthew hath delivered on my behalf, I will be ready to make good, and omit no opportunity that may serve for the endeavours of

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Royston, Oct. 14, 1623.

TO THE LORD ST. ALBAN.

MY HONOURABLE LORD,

I have delivered your lordship's letter and your book to his majesty, who hath promised to read it over: I wish I could promise as much for that which you sent me, that my understanding of that language might make me capable of those good fruits, which I assure myself, by an implicit faith, proceed from your pen; but I will tell you in good English, with my thanks for your book, that I ever rest

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Hinchenbrook, October 29, 1623.

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

I send your grace for a *parabien*, a book of mine, written first and dedicated to his majesty in English, and now translated into Latin, and enriched. After his majesty and his highness, your grace is ever to have the third turn with me. Vouchsafe, of your wonted favour, to present also the king's book to his majesty. The prince's I have sent to Mr. Endimion Porter. I hope your grace (because you are wont to disable your Latin) will not send your book to the Conde d'Olivares, because he was a deacon, for I understand by one, (that your grace may guess whom I mean,) that the Conde is not rational, and I hold this book to be very rational. Your grace will pardon me to be merry, however, the world goeth with me. I ever rest

Your grace's most faithful
and obliged servant,
FR. ST. ALBAN.

Gray's Inn, 22d October, 1623.

I have added a begging postscript in the king's letter; for, as I writ before, my cables are worn out, my hope of tackling is by your lordship's means. For me and mine, I pray command.

TO THE LORD ST. ALBAN.

MY LORD,—I give your lordship many thanks for the *parabien* you have sent me; which is so welcome unto me, both for the author's sake and for the worth of itself, that I cannot spare a work of so much pains to your lordship and value to me, unto a man of so little reason and less art; who if his skill in languages be no greater than I found it in argument, may, perhaps, have as much need of an interpreter (for all his deaconry) as myself; and whatsoever mine ignorance is in the tongue, yet this much I understand in the book, that it is a noble monument of your love, which I will entail to my posterity, who, I hope, will both reap the fruit of the work, and honour the memory of the author. The other book I delivered to his majesty, who is tied here by the feet longer than he purposed to stay.

For the business your lordship wrote of in your other letters, I am sorry I can do you no service, having engaged myself to Sir William Becher before my going to Spain, so that I cannot free myself, unless there were means to give him satisfaction. But I will ever continue

Your lordship's assured friend and servant,
G. BUCKINGHAM.

Hinchenbrook, Oct. 27th, 1623.

TO THE DUKE OF BUCKINGHAM.

EXCELLENT LORD,

I send Mr. Parker to have ready, according to the speech I had with your grace, my two suits to his majesty, the one for a full pardon, that I may die out of a cloud; the other for the translation of my honours after my decease. I hope his majesty will have compassion on me, as he promised me he would. My heart telleth me that no man hath loved his majesty and his service more entirely, and love is the law and the prophets. I ever rest

Your grace's most obliged
and faithful servant,
FR. ST. ALBAN.

November 25th, 1623.

TO THE LORD ST. ALBAN.

MY LORD,—I have moved his majesty in your suit, and find him very gracious inclined to grant it; but he desireth first to know from my lord treasurer his opinion and the value of it, to whom I have written to that purpose this enclosed letter, and would wish your lordship to speak with him yourself for his favour and furtherance therein, and for my part I will omit nothing that appertaineth to

Your lordship's faithful friend and servant,
G. BUCKINGHAM.

Newmarket, 28th of January, 1623.

TO THE LORD ST. ALBAN.

RIGHT HONOURABLE AND MY VERY NOBLE LORD,

Mr. Doctor Rawley, by his modest choice, hath much obliged me to be careful of him, when God shall send any opportunity. And if his majesty shall remove me from this see, before any such occasion be offered, not to change my intentions with my bishopric.

It true that those ancients, Cicero, Demosthenes, and Plinius Secundus, have preserved their orations (the heads and effects of them at least) and their epistles; and I have ever been of opinion, that those two pieces, are the principal pieces of our antiquities: those orations discovering the form of administering justice, and the letters the carriage of the affairs in those times. For our histories (or rather lives of men) borrow as much from the affections and phantasies of the writers, as from the truth itself, and are for the most of them built together upon unwritten relations and traditions. But letters written *è re nata*, and bearing a synchronism or equality of time *cum rebus gestis*, have no other fault, than that which was imputed unto Virgil, *nihil peccat nisi, quod nihil peccet*, they speak the truth too plainly, and cast too glaring a light for that age, wherein they were, or are written.

Your lordship doth most worthily, therefore, in preserving those two pieces, amongst the rest of those matchless monuments you shall leave be-

hind you; considering that, as one age hath not bred your experience, so is it not fit it should be confined to one age, and not imparted to the times to come. For my part therein, I do embrace the honour with all thankfulness, and the trust imposed upon me, with all religion and devotion. For those two lectures in natural philosophy, and the sciences woven and involved with the same; it is a great and a noble foundation, both for the use and the salary, and a foot that will teach the age to come, to guess in part at the greatness of that herculean mind which give them their existence. Only your lordship may be advised for the seats of this foundation. The two universities are the two eyes of this land, and fittest to contemplate the lustre of this bounty; these two lectures are as the two apples of these eyes. An apple when it is single is an ornament, when double a pearl, or a blemish in the eye. Your lordship may therefore inform yourself if one Sidley, of Kent, hath not already founded in Oxford a lecture of this nature and condition. But if Oxford in this kind be an Argus, I am sure poor Cambridge is a right Polyphemus, it hath but one eye, and that not so steadily or artificially placed, but *bonum est facile sui diffusivum*; your lordship being so full of goodness, will quickly find an object to pour it on. That which made me say thus much I will say in verse, that your lordship may remember it the better,

Sola ruinosis stat Cantabrigia pannis
Atque inopi linguâ disertas invocat Artes,

I will conclude with this vow: *Deus, qui animum istum tibi, animosisti tempus quam longissimum tribuat.* It is the most affectionate prayer of

Your lordship's most humble servant,

Jo. Lincoln.

Buckden, last of December, 1625.

LETTERS FROM MATHEWS,

NOT BEFORE PUBLISHED.

SIR FRANCIS BACON, DESIRING A FRIEND TO DO HIM A SERVICE.

Sir,—The report of this act, which I hope will prove the last of this business, will probably, by the weight it carries, fall, and seize on me. And, therefore, not now at will, but upon necessity it will become me to call to mind what passed; and (my head being then wholly employed about invention) I may the worse put things upon the account of mine own memory. I shall take physic to-day, upon this change of weather, and vantage of leisure; and I pray you not to allow yourself so much business, but that you may have time to bring me your friendly aid before night, &c.

SIR FRANCIS BACON TO A FRIEND, ABOUT READING AND GIVING JUDGMENT UPON HIS WRITINGS

Sir,—Because you shall not lose your labour this afternoon, which now I must needs spend with my Lord Chancellor, I send my desire to you in this letter, that you will take care not to leave the writing which I left with you last with any man so long as that he may be able to take a copy of it; because, first, it must be censured by you, and then considered again by me. The thing which I expect most from you is, that you would read it carefully over by yourself, and to make some little in writing, where you think (to speak like a critic) that I do perhaps *indormiscere*; or where I do *indulgere genio*; or where, in fine, I give any manner of disadvantage to myself. This, *super totam materiam*, you must not fail to note, besides all such words and phrases as you cannot like; for you know in how high account I have your judgment.

SIR FRANCIS BACON TO THE SAME PERSON UPON THE LIKE SUBJECT; WITH AN ADDITION OF CONDOLING THE DEATH OF A FRIEND.

Sir,—The reason of so much time taken before my answer to yours of the fourth of August, was chiefly my accompanying my letter with the paper which here I send you; and again, now lately (not to hold from you till the end of a letter that which by grief may, for a time, efface all the former contents,) the death of your good friend and mine, A. B.; to whom, because I used to send my letters for conveyance to you, it made me so much the more unready in the despatch of them. In the mean time, I think myself (howsoever it hath pleased God otherwise to bless me) a most unfortunate man, to be deprived of two (a great number in true friendship) of those friends whom I accounted as no stage friends, but private friends, (and such as with whom I might both freely and safely communicate;) him by death, and you by absence. As for the memorial of the late deceased

queen, I will not question whether you be to pass for a disinterested man or no; I freely confess myself am not, so I leave it. As for my other writings, you make me very glad of your approbation; the rather because you add a concurrence in opinion with others; for else I might have conceived that affection would, perhaps, have prevailed with you, beyond that which (if your judgment had been neat and free) you could have esteemed. And as for your caution touching the dignity of ecclesiastical persons, I shall not have cause to meet with them, any otherwise than in that some schoolmen have, with excess, advanced the authority of Aristotle. Other occasion I shall have none. But now I have sent you that only part of the whole writing which may perhaps have a little harshness and provocation in it, although I may almost secure myself that if the preface passed so well this will not irritate more; being, indeed, to the preface but as *palma ad pugnum*. Your own love expressed to me I heartily embrace; and hope that there will never be occasion of other than entireness between us, which nothing but *majores charitates* shall ever be able to break off.

SIR FRANCIS BACON TO A FRIEND, IN REFLECTION UPON SOME ASTROLOGERS IN ITALY.

SIR,—I write to you chiefly now to the end that, by the continuance of my acquaintance with you, by letters, you may perceive how much I desire, and how much I do not despair of the recontinuance of our acquaintance by conversation. In the mean time, I wish you would desire the astronomers of Italy to amuse us less than they do with their fabulous and foolish traditions, and come nearer to the experiments of sense; and tell us that when all the planets, except the moon, are beyond the line in the other hemisphere for six months together, we must needs have a cold winter, as we saw it was the last year. For, understanding that this was general over all these parts of the world, and finding that it was cold weather with all winds, and namely west wind, I imagined there was some higher cause of this effect; though yet, I confess, I thought not that ever I should have found that cause so palpable a one as it proved: which yet, when I came quickly afterwards to observe, I found also very clearly, that the summer must needs be cold too; though, yet, it were generally thought that the year would make a shift to pay itself; and that we should be sure to have heats for our cold. You see that though I be full of business, yet I can be glad rather to lay it all aside than to say nothing to you. But I long much more to be speaking often with you; and I hope I shall not long want my wish.

THE LORD OF ST. ALBANS, BACON, TO AN HUMBLE SERVANT, MY LORD BELIEVING HIS OWN DANGER TO BE MUCH LESS THAN HE FOUND IT.

SIR,—I say to you, upon the occasion which you give me in your last, *modicæ fidei quare dubitasti?* I would not have my friends (though I know it to be out of love) too apprehensive, either of me, or for me. For I thank God, my ways are sound and good, and I hope God will bless me in them. When once my master, and afterwards myself, were both of us in extremity of sickness, (which was no time to dissemble,) I never had so great pledges and certainties of his love and favour: and that which I knew then, such as took a little poor advantage of these latter times, know since. As for the nobleman who passed that way by you, I think he is fallen out with me for his pleasure, or else, perhaps, to make good some of his own mistakings: for he cannot in his heart but think worthily of my affection and well deserving towards him; and as for me, I am very sure that I love his nature and parts.

MY LORD OF ST. ALBANS, BACON, TO THE SAME HUMBLE SERVANT, EMPLOYING HIM TO DO A GOOD OFFICE WITH ANOTHER GREAT MAN.

SIR,—I have received your letter, wherein you mention some passages at large concerning the lord you know of. You touched also that point in a letter which you wrote upon my lord's going over, which I answered; and am a little doubtful whether mine ever came to your hands. It is true that I wrote a little sullenly therein; how I conceived that my lord was a wise man in his own way, and perhaps thought it fit for him to be out with me; for, at least, I found no cause thereof in myself. As for the latter of these points, I am of the same judgment still; but for the former, I perceive, by what you write, that it is merely some misunderstanding of his. And I do a little marvel, at the instance which had relation to that other crabbed man; for I conceived that both in passing that book, and (as I remember) two more, immediately after my lord's going over, I had showed more readiness than many times I use in like cases. But, to conclude, no man hath thought better of my lord than I have done. I know his virtues, and, namely, that he hath much greatness of mind, which is a thing almost lost amongst men; nor can anybody be more sensible and remembering than I am of his former favours, so that I shall be most glad of his friendship; neither are the past occasions, in my opinion, such as need either reparation or declaration, but may well go under the title of nothing. Now, I had rather you dealt between us than anybody else, because you are no way drenched in any man's humour. Of other things at another time; but

this I was forward to write, in the midst of more business than ever I had.

THE LORD OF ST. ALBANS TO A MOST DEAR FRIEND, IN WHOM HE NOTES AN ENTIRENESS AND IMPATIENT ATTENTION TO DO HIM SERVICE.

Sir,—It is not for nothing that I have deferred my *Essay de Amicitia*, whereby it hath expected the proof of your great friendship towards me. Whatsoever the event be, (wherein I depend upon God, who ordains the effect, the instrument, all,) yet your incessant thinking of me, without loss of a moment of time, or a hint of occasion, or a circumstance of endeavour, or the stroke of a pulse in demonstration of your affection to me, doth infinitely tie me to you. Commend my service to my friend. The rest to-morrow, for I hope to lodge at London this night, &c.

Secrecy I need not recommend, otherwise than that you may recommend it over to our friend; both because it prevents opposition, and because it is both the king's and my lord marquis's nature to love to do things unexpected.

THE LORD ST. ALBANS TO THE LORD TREASURER MARLBOROUGH, EXPOSTULATING ABOUT HIS UNKINDNESS, AND INJUSTICE.

My Lord,—I humbly entreat your lordship, and (if I may use the word) advise you to make me a better answer. Your lordship is interested in honour, in the opinion of all them who hear how I am dealt with. If your lordship malice me for such a cause, surely it was one of the justest businesses that ever was in Chancery. I will avouch it; and how deeply I was tempted therein, your lordship knows best. Your lordship may do well, in this great age of yours, to think of your grave, as I do of mine, and to beware of hardness of heart. And as for fair words, it is a wind, by which neither your lordship nor any man else can sail long. Howsoever, I am the man who will give all due respects and reverence to your great place, &c.

A LETTER OF SIR FRANCIS BACON TO A SERVANT OF HIS, IN EXPRESSION OF GREAT ACKNOWLEDGMENT AND KINDNESS.

Sir,—I have been too long a debtor to you for a letter, and especially for such a letter, the words whereof were delivered by your hand, as if it had been in old gold; for it was not possible for entire affection to be more generously and effectually expressed. I can but return thanks to you: or rather, indeed, such an answer as may better be of thoughts than words. As for that which may concern myself, I hope God hath ordained me some small time whereby I may redeem the loss of much. Your company was ever of contentment to me, and your absence of grief; but now it is of grief upon grief. I beseech you, therefore, make haste hither, where you shall meet with as good a welcome as your own heart can wish.

MISCELLANEOUS LETTERS.

THE LORD BACON, HIS LETTER TO THE MOST ILLUSTRIOUS. AND MOST EXCELLENT PRINCE CHARLES, PRINCE OF WALES, DUKE OF CORNWALL, EARL OF CHESTER, &c.*

It may please your Highness.

In part of my acknowledgment to your highness, I have endeavoured to do honour to the memory of the last King of England, that was ancestor to the king, your father, and yourself, and was that king to whom both unions may in a sort refer, that of the roses being in him consummate, and that of the kingdoms by him begun: besides, his times deserve it, for he was a wise man and an excellent king; and yet the times very rough and full of mutations and rare accidents: and it is with times as it is with ways, some are more up hill and down hill, and some are more flat and plain, and the one is better for the liver, and the other for the writer. I have not flattered him, but took him to life as well as I could, sitting so far off, and having no better light; it is true your highness hath a living pattern, incomparable, of the king your father; but it is not amiss for you [illegible] to see it in one of these ancient pieces. God preserve your highness.

Your highness's most humble
and devoted servant,
Francis St. Alban.

* Third edition of Resuscitatio.

MR. FRANCIS BACON TO MR. ROBERT CECIL.*

SIR:—I am very glad that the good affection and friendship, which conversation and familiarity did knit between us, is not by absence and intermission of society discontinued; which assureth me it had a farther root than ordinary acquaintance. The signification whereof, as it is very welcome to me, so it maketh me wish, that if you have accomplished yourself as well in the points of virtue and experience, which you sought by your travel, as you have won the perfection of the Italian tongue, I might have the contentment to see you again in England, that we may renew the fruit of our mutual good will; which, I may truly affirm, is, on my part, much increased towards you, both by your own demonstration of kind remembrance, and because I discern the like affection in your honourable and nearest friends.

Our news are all but in seed; for our navy is set forth with happy winds, in token of happy adventures, so as we do but expect and pray, as the husbandman when his corn is in the ground.

Thus, commending me to your love, I commend you to God's preservation.

TO THE RIGHT HONOURABLE HIS VERY GOOD LORD, THE LORD KEEPER OF THE GREAT SEAL, &c.†

MY VERY GOOD LORD,

I was wished to be here ready in expectation of some good effect; and therefore I commend my fortune to your lordship's kind and honourable furtherance. My affection inclineth me to be much [your] lordship's, and my course and way, in all reason and policy for myself, leadeth me to the same dependence: hereunto if there shall be joined your lordship's obligation in dealing strongly for me as you have begun, no man can be more yours. A timorous man is everybody's, and a covetous man is his own. But if your lordship consider my nature, my course, my friends, my opinion with her majesty, if this eclipse of her favour were past, I hope you will think, I am no unlikely piece of wood to shape you a true servant of. My present thankfulness shall be as much as I have said. I humbly take my leave.

Your lordship's true humble servant.

FR. BACON.

From Greenwich, this 5th of April, 1594.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD, THE LORD KEEPER.*

MY LORD:—I have, since I spake with your lordship, pleaded to the queen against herself for the injury she doth Mr. Bacon in delaying him so long, and the unkindness she doth me in granting no better expedition in a suit which I have followed so long, and so affectionately. And though I find that she makes some difficulty, to have the more thanks, yet I do assure myself she is resolved to make him. I do write this, not to solicit your lordship to stand firm in assisting me, because, I know, you hold yourself already tied by your affection to Mr. Bacon, and by your promise to me; but to acquaint your lordship of my resolution to set up my rest, and employ my uttermost strength to get him placed before the term: so as I beseech your lordship think of no temporizing course, for I shall think the queen deals unkindly with me, if she do not both give him the place, and give it with favour and some extraordinary advantage. I wish your lordship all honour and happiness, and rest

Your lordship's very assured,

ESSEX.

Greenwich, this 11th of January, [1594.]

Endorsed,

My Lord of Essex for Mr. Fran. Bacon to be solicitor.

TO THE RIGHT HONOURABLE HIS VERY GOOD LORD, THE LORD KEEPER OF THE GREAT SEAL †

MY VERY GOOD LORD,

Sir Thomas Egerton failing of your lordship, being newly gone, sent his letter to me to see conveyed unto you, which I send enclosed; desiring your lordship, according to your kind affection, to make the best use thereof for my furtherance. And I pray your lordship to call to remembrance my lord treasurer's kind course, who affirmed directly all the rest to be unfit. And because *vis unita fortior*, I pray your lordship to take a time with the queen when my lord treasurer is present. Thus, in hope to-morrow will bring forth some good effect, I rest

Your lordship's, in all humble duty and service,

FR. BACON.

TO THE RIGHT HONOURABLE, &c., THE LORD KEEPER, &c ‡

MY VERY GOOD LORD,

Because I understand your lordship remaineth at court till this day, and that my Lord of Essex

* From the original draught in the library of Queen's College, Oxford, *Arch. D.* 2. This letter seems to be of a very early date, and to have been written to Mr. Robert Cecil. while he was upon his travels.

† Harl. MSS. vol. 6997, No. 20.

* Harl. MSS. vol. 6997, No. 87.

† Harl. MSS. vol. 6996, No. 52.

‡ Ibid. No. 50

writeth to me, that his lordship cometh to London, I thought good to remember your lordship, and to request you, as I touched in my last, that if my lord treasurer be absent, your lordship would forbear to fall into my business with her majesty, lest it might receive some foil before the time when it should be resolutely dealt in. And so commending myself to your good favour, I most humbly take my leave.

Your lordship's in all
humble duty and service,
FR. BACON.

From Gray's Inn, this 8th
of April, 1594.

EARL OF ESSEX TO LORD KEEPER PUCKERING *

MY LORD,—My short stay at the court made me fail of speaking with your lordship; therefore, I must write that which myself had told you; that is, that your lordship will be pleased to forbear pressing for a solicitor, since there is no cause towards the end of a term to call for it; and, because the absence of Mr. Bacon's friends may be much to his disadvantage. I wish your lordship all happiness, and rest

Your lordship's very assured
to be commanded,
ESSEX.

Wanstead, this 4th of May, 1594.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.

IT MAY PLEASE YOUR GOOD LORDSHIP,

I understand of some business like enough to detain the queen to-morrow, which maketh me earnestly to pray your good lordship, as one that I have found to take my fortune to heart, to take some time to remember her majesty of a solicitor this present day.

Our Tower employment stayeth, and hath done these three days, because one of the principal offenders being brought to confess, and the other persisting in denial, her majesty, in her wisdom, thought best some time were given to him that is obstinate, to bethink himself; which, indeed, is singular good in such cases. Thus, desiring your lordship's pardon, in haste I commend my fortune and duty to your favour.

Your lordship's most humbly
to receive your commandments,
FR. BACON.

From Gray's Inn, this 13th
of August, 1594.

* Harl. MSS. vol. 6996, No. 72.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.*

IT MAY PLEASE YOUR GOOD LORDSHIP

As your lordship hath at divers times helped me to pass over contrary times, so I humbly pray you not to omit this favourable time. I cannot bear myself as I should till I be settled. And thus, desiring pardon, I leave your lordship to God's preservation.

Your lordship's most humbly
at commandment,
FR. BACON.

From Gray's Inn, this 25th
of August, 1594.

TO THE RIGHT HONOURABLE HIS VERY GOOD LORD, THE LORD KEEPER, &c.†

IT MAY PLEASE YOUR GOOD LORDSHIP,

I was minded, according to the place of employment, though not of office, wherein I serve, for my better direction and the advancement of the service, to have acquainted your lordship, now before the term, with such her majesty's causes as are in my hands. Which course, intended out of duty, I do now find, by that I hear from my Lord of Essex, your lordship of your favour is willing to use for my good, upon that satisfaction you may find in my travels. And I now send to your lordship, together with my humble thanks, to understand of your lordship's being at leisure, what part of to-morrow, to the end I may attend your lordship, which, this afternoon, I cannot, in regard of some conference I have appointed with Mr. Attorney-General. And so I commend your honourable lordship to God's good preservation.

Your good lordship's humbly at
your honourable commandments,
FR. BACON.

From Gray's Inn, the 25th
of September, Friday.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.‡

IT MAY PLEASE YOUR LORDSHIP,

I thought good to step aside for nine days, which is the durance of a wonder, and not for any dislike in the world; for I think her majesty hath done me as great a favour in making an end of this matter, as if she had enlarged me from some restraint. And, I humbly pray your lordship, if it so please you, to deliver to her majesty from me, that I would have been glad to have done her majesty service, now in the best of my years, and the same mind remains in me still; and that

* Harl. MSS. vol. 6996, No. 103 † Ibid. No. 109.
‡ Ibid. vol. 6997, No. 14.

it may be, when her majesty hath tried others, she will think of him that she hath cast aside. For, I will take it upon that which her majesty hath often said, that she doth reserve me, and not reject me. And so I leave your good lordship to God's good preservation.

Your lordship's much bounden

FR. BACON.

From Twickenham Park, this.
20th of May, 1595.

Endorsed,

Mr. Fr. Bacon, his contentation to leave the solicitorship.

TO SIR GEORGE VILLIERS.*

SIR,—I think I cannot do better service towards the good estate of the kingdom of Ireland, than to procure the king to be well served in the eminent places of law and justice; I shall, therefore, name unto you for the attorney's place there, or for the solicitor's place, if the new solicitor shall go up, a gentleman of mine own breeding and framing, Mr. Edward Wyrthington, of Gray's Inn; he is born to eight hundred pounds a year; he is the eldest son of a most severe justicer amongst the recusants of Lancashire, and a man most able for law and speech, and by me trained in the king's causes. My lord deputy, by my description, is much in love with the man. I hear my Lord of Canterbury and Sir Thomas Laque should name one Sir John Beare, and some other mean men. This man I commend upon my credit, for the good of his majesty's service. God ever preserve and prosper you. I rest

Your most devoted and
most bounden servant,

FR. BACON.

July 2, 1616.

TO THE MARQUIS OF BUCKINGHAM †

MY VERY GOOD LORD,

I write now only, rather in a kind of continuance and fresh suit, upon the king's business, than that the same is yet ripe either for advertisement or advice.

The subcommissioners meet forenoon and afternoon with great diligence, and without distraction or running several ways; which if it be no more than necessary, what would less have done? that is, if there had been no subcommissioners, or they not well chosen.

I speak with Sir Lionel Cranfield as cause requireth either for account or direction, and as far as I can, by the taste I have from him, discern, probably their service will attain, and may exceed his majesty's expectation.

I do well like the course they take, which is, in every kind to set down, as in beer, in wine, in beef, in muttons, in corn, &c., what cometh to the king's use, and then what is spent, and lastly what may be saved. This way, though it be not so accusative, yet it is demonstrative. *Nam rectum est index sui et obliqui*, and the false manner of accounting, and where the gain cleaveth will appear after by consequence. I humbly pray his majesty to pardon me for troubling him with these imperfect glances, which I do, both because I know his majesty thinketh long to understand somewhat, and lest his majesty should conceive, that he multiplying honours and favours upon me, I should not also increase and redouble my endeavours and cares for his service. God ever bless, preserve, and prosper his majesty and your lordship, to whom I ever remain

Your true and most devoted servant,

FR. BACON, C. S.

Jan. 16, 1617.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.*

IT MAY PLEASE YOUR GOOD LORDSHIP,

Not able to attend your lordship myself before your going to the court, by reason of an ague, which offered me a fit on Wednesday morning, but since, by abstinence, I thank God, I have starved it, so as now he hath turned his back, I am chasing him away with a little physic, I thought good to write these few words to your lordship; partly to signify my excuse, if need be, that I assisted not Mr. Attorney on Thursday last in the Star Chamber, at which time, it is some comfort to me, that I hear by relation somewhat was generally taken hold of by the court which I formerly had opened and moved; and partly to express a little my conceit touching the news which your lordship last told me from the queen, concerning a condition in law knit to an interest, which your lordship remembereth, and is supposed to be broken by misfeyance. Wherein surely my mind, as far as it appertaineth to me, is this, that as I never liked not so much as the coming in upon a lease by way of forfeiture, so I am so much enemy to myself as I take no contentment in any such hope of advantage. For as your lordship can give me best testimony, that I never in my life propounded any such like motion, though I have been incited thereto; so the world will hardly believe, but that it is underhand quickened and nourished from me. And, truly, my lord, I would not be thought to supplant any man for great gain; and I humbly pray your lordship to continue your commendations and countenance to me in the course of the queen's service that I am entered into: which, when it shall

* Stephens's second collection, p. 4. † Ibid.

* Harl. MSS. vol. 6997, No 18.

please God to move the queen to profit,* I hope I shall give cause for your lordship to obtain as many thanks as you have endured chidings. And so I commend your good lordship to God's good preservation.

Your lordship's most humbly
at your honourable commandment,
FR. BACON.

From Gray's Inn, the 11th of June, 1595

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c †

IT MAY PLEASE YOUR LORDSHIP,

There hath nothing happened to me in the course of my business more contrary to my expectation, than your lordship's failing me, and crossing me now in the conclusion, when friends are best tried. But now I desire no more favour of your lordship, than I would do if I were a suitor in the Chancery; which is this only, that you would do me right. And I, for my part, though I have much to allege, yet, nevertheless, if I see her majesty settle her choice upon an able man, such a one as Mr. Serjeant Fleming, I will make no means to alter it. On the other side, if I perceive any insufficient, obscure,‡ idol man offered to her majesty, then I think myself double bound to use the best means I can for myself; which I humbly pray your lordship I may do with your favour, and that you will not disable me farther than is cause. And so I commend your lordship to God's preservation,

That beareth your lordship all humble respect,
FR. BACON.

From Gray's Inn, the 28th of July, 1595.

Endorsed, in lord keeper's hand;
Mr. Bacon wronging me.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.§

IT MAY PLEASE YOUR LORDSHIP,

I thought it became me to write to your lordship, upon that which I have understood from my Lord of Essex, who vouchsafed, as I perceive, to deal with your lordship of himself to join with him in the concluding of my business, and findeth your lordship hath conceived offence, as well upon my manner when I saw your lordship at Temple last, as upon a letter, which I did write to your lordship some time before. Surely, my lord, for my behaviour, I am well assured, I omitted no point of duty or ceremony towards your lordship. But I know too much of the court to beg a countenance in public place, where I make account I shall not receive it. And for my letter, the principal point of it was, that which I hope God will give me grace to perform, which is, that if any idol may be offered to her majesty, since it is mixed with my particular, to inform her majesty truly, which I must do, as long as I have a tongue to speak, or a pen to write, or a friend to use. And farther I remember not of my letter, except it were that I writ, I hoped your lordship would do me no wrong, which hope I do still continue. For if it please your lordship but to call to mind from whom I am descended, and by whom, next to God, her majesty, and your own virtue, your lordship is ascended; I know you will have a compunction of mind to do me any wrong. And, therefore, good my lord, when your lordship favoureth others before me, do not lay the separation of your love and favour upon myself. For I will give no cause, neither can I acknowledge any, where none is; but humbly pray your lordship to understand things as they are. Thus, sorry to write to your lordship in an argument which is to me unpleasant, though necessary, I commend your lordship to God's good preservation.

Your lordship's, in all humble respect,
FR. BACON.

From Twickenham Park, this 19th of August, 1595.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c *

IT MAY PLEASE YOUR GOOD LORDSHIP,

I am sorry the opportunity permitteth me not to attend your lordship as I minded. But I hope your lordship will not be the less sparing in using the argument of my being studied and prepared in the queen's causes, for my furtherance upon belief that I had imparted to your lordship my travels, which some time next week I mean to do. Neither have I been able to confer with Mr. Attorney, as I desired, because he was removing from one building to another. And, besides, he alleged his note book was in the country, at ——, and so we respited it to some time next week. I think he will rather do me good offices than otherwise, except it be for the township your lordship remembereth by the verse. Thus I commend your honourable lordship to God's good preservation.

Your lordship's most humble
at your honourable commandment,
FR. BACON.

From Gray's Inn, this 25th of September, 1595.

TO THE RIGHT HONOURABLE MY GOOD LORD, THE LORD KEEPER OF THE GREAT SEAL OF ENGLAND.†

IT MAY PLEASE YOUR GOOD LORDSHIP,

My not acquainting your lordship hath proceeded of my not knowing any thing, and of my

* *f.* Perfect. † Harl. MSS. vol. 6997, No. 37.
‡ Ita MSS.
§ Harl. MSS vol. 6997, No 44.

* Harl. MSS. vol. 6997, No. 59. † Ibid. No. 60.

not knowing of my absence at Byssam with my Lady Russel, upon some important cause of her son's. And as I have heard nothing, so I look for nothing, though my Lord of Essex sent me word, he would not write till his lordship had good news. But his lordship may go on in his affection, which, nevertheless, myself have desired him to limit. But I do assure your lordship, I can take no farther care for the matter. I am now at Twickenham Park, where I think to stay: for her majesty placing a solicitor, my travel shall not need in her causes, though, whensoever her majesty shall like to employ me in any particular, I shall be ready to do her willing service. This I write lest your lordship might think my silence came of any conceit towards your lordship, which, I do assure you, I have not. And this needed I not to do, if I thought not so: for my course will not give me any ordinary occasion to use your favour, whereof, nevertheless, I shall ever be glad. So I commend your good lordship to God's holy preservation.

Your lordship's humble, &c.

FR. BACON.

This 11th of October, 1595.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.*

IT MAY PLEASE YOUR GOOD LORDSHIP,

I conceive the end already made, which will, I trust, be to me a beginning of good fortune, or at least of content. Her majesty, by God's grace, shall live and reign long, she is not running away, I may trust her. Or whether she look towards me or no, I remain the same, not altered in my intention. If I had been an ambitious man, it would have overthrown me, but minded as I am, *Revertet benedictio mea in sinum meum.* If I had made any reckoning of any thing to be stirred, I would have waited on your lordship, and will be at any time ready to wait on you to do you service. So I commend your good lordship to God's holy preservation.

Your lordship's most humble,
at your honourable commandment,

FR. BACON.

From Twickenham Park, this 14th of October.

Endorsed, 14th October, 95.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.†

MY VERY GOOD LORD,

I received a letter from a very friend of mine, requesting me to move your lordship to put into the commission for the subsidy, Mr. Richard Kempe, a reader of Gray's Inn, and besides born to good estate, being also my friend and familiar acquaintance. And because I conceive the gentleman to be every way sortable with the service, I am bold to commend him to your lordship's good favour. And even so, with remembrance of my most humble duty, I rest

Your lordship's affectionate to do you
humble service,

FR. BACON.

Twickenham Park, July 3, 1595.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.*

MY LORD,—In my last conference with your lordship, I did entreat you both to forbear hurting of Mr. Fr. Bacon's cause, and to suspend your judgment of his mind towards your lordship, till I had spoken with him. I went since that time to Twickenham Park to confer with him, and had signified the effect of our conference by letter ere this, if I had not hoped to have met with your lordship, and so to have delivered it by speech. I told your lordship when I last saw you, that this manner of his was only a natural freedom, and plainness, which he had used with me, and in my knowledge with some other of his best friends, than any want of reverence towards your lordship; and therefore I was more curious to look into the moving cause of his style, than into the form of it; which now I find to be only a diffidence of your lordship's favour and love towards him, and no alienation of that dutiful mind which he hath borne towards your lordship. And therefore I am fully persuaded, that if your lordship would please to send for him, there would grow so good satisfaction, as hereafter he should enjoy your lordship's honourable favour in as great a measure as ever, and your lordship have the use of his service, who, I assure your lordship, is as strong in his kindness, as you find him in his jealousy. I will use no argument to persuade your lordship, that I should be glad of his being restored to your lordship's wonted favour; since your lordship both knoweth how much my credit is engaged in his fortune, and may easily judge how sorry I should be, that a gentleman whom I love so much, should lack the favour of a person whom I honour so much. And thus commending your lordship to God's best protection, I rest

Your lordship's very assured,

ESSEX.

Endorsed, 31 August, 95.

My Lord of Essex to have me send for Mr. Bacon, for he will satisfy me. In my lord keeper's own hand.

TO THE RIGHT HONOURABLE THE LORD KEEPER, &c.†

MY VERY GOOD LORD,

The want of assistance from them which should be Mr. Fr. Bacon's friends, makes [me] the more

* Harl. MSS. vol. 6997, No. 61. † Ibid. No. 29.

* Harl. MSS. vol. 6997, No. 47. † Ibid. No. 106.

industrious myself, and the more earnest in soliciting mine own friends. Upon me the labour must lie of his establishment, and upon me the disgrace will light of his being refused. Therefore I pray your lordship, now account me not as a solicitor only of my friend's cause, but as a party interested in this; and employ all your lordship's favour to me, or strength for me, in procuring a short and speedy end. For though I know, it will never be carried any other way, yet I hold both my friend and myself disgraced by this protraction. More I would write, but that I know to so honourable and kind a friend, this which I have said is enough. And so I commend your lordship to God's best protection, resting,

At your lordship's commandment,

[No date.] ESSEX.

A LETTER TO DR. MORISON,* A SCOTTISH PHYSICIAN, UPON HIS MAJESTY'S COMING IN.

MR. DOCTOR MORISON,

I have thought good by this my letter to renew this my ancient acquaintance which hath passed between us, signifying my good mind to you, to perform to you any good office, for your particular and my expectation, and a firm assurance of the like on your part towards me: wherein I confess you may have the start of me, because occasion hath given you the precedency in investing you with opportunity to use my name well, and by your loving testimony to further a good opinion of me in his majesty, and the court.

But I hope my experience of matters here will, with the light of his majesty's favour, enable me speedily both to requite your kindness, and to acquit and make good your testimony and report. So not doubting to see you here with his majesty, considering that it belongeth to your art to feel pulses, and I assure you Galen doth not set down greater variety of pulses than do vent here in men's hearts, I wish you all prosperity, and remain Yours, &c.

From my Chamber at Gray's Inn, &c., 1603.

A LETTER TO MR. MURRAY, OF THE KING'S BEDCHAMBER.

MR. MURRAY,

It is very true that his majesty most graciously, at my humble request, knighted the last Sunday my brother-in-law, a towardly young gentleman;† for which favour I think myself more bound to his majesty, than for the benefit of ten knights: and to tell you truly, my meaning was not that the suit of this other gentleman, Mr. Temple,* should have been moved in my name. For I should have been unwilling to have moved his majesty for more than one at once, though many times in his majesty's courts of justice, if we move once for our friends, we are allowed to move again for our fee.

But indeed my purpose was, that you might have been pleased to have moved it as for myself.

Nevertheless, since it is so far gone, and that the gentleman's friends are in some expectation of success, I leave it to your kind regard what is farther to be done, as willing to give satisfaction to those which have put me in trust, and loath on the other side to press above good manners. And so, with my loving commendations, I remain

1603. Yours, &c.

TO MR. MATTHEW.†

SIR,—I perceive you have some time when you can be content to think of your friends; from whom, since you have borrowed yourself, you do well, not paying the principal, to send the interest at six months' day. The relation, which here I send you enclosed, carries the truth of that which is public: and though my little leisure might have required a briefer, yet the matter would have endured and asked a larger.

I have now, at last, taught that child to go, at the swaddling whereof you were. My work touching the Proficiency and Advancement of Learning I have put into two books; whereof the former, which you saw, I cannot but account as a page of the latter. I have now published them both; whereof I thought it a small adventure to send you a copy, who have more right to it than any man, except Bishop Andrews, who was my inquisitor.

The death of the late great judge concerned not me, because the other was not removed. I write this in answer to your good wishes, which I return not as flowers of Florence,‡ but as you mean them; whom I conceive place cannot alter, no more than time shall me, except it be for the better.

1605.

TO MY LADY PACKINGTON, IN ANSWER TO A MESSAGE BY HER SENT.§

MADAM,—You shall with right good will be made acquainted with any thing that concerneth

* He had held a correspondence with Mr. Anthony Bacon, and was employed to find intelligence from Scotland to the Earl of Essex.—See *Memoirs of the Reign of Queen Elizabeth, from the year 1581 till her death*, vol. i. p. 79. 109. 116.

† To this Sir John Constable, Sir Francis Bacon dedicated the second edition of his Essays, published at London, 1612, in octavo.

* Probably Mr. William Temple, who had been educated in King's College, Cambridge, then master of the free school at Lincoln, next successively secretary to Sir Philip Sidney, Secretary Davison, and the Earl of Essex, made provost of Dublin College in 1609, and at last knighted, and appointed one of the masters in chancery in Ireland. He died about 1626, at the age of 72.

† Sir Tobie Matthew's Collection of Letters, p. 11.

‡ Mr. Matthew wrote an elegy on the Duke of Florence's felicity.

§ From an old copy of Sir Francis Bacon's Letters.

your daughters, if you bear a mind of love and concord, otherwise you must be content to be a stranger unto us; for I may not be so unwise as to suffer you to be an author or occasion of dissension between your daughters and their husbands, having seen so much misery of that kind in yourself.

And above all things I will turn back your kindness, in which you say, you will receive my wife if she be cast off; for it is much more likely we have occasion to receive you being cast off, if you remember what is passed. But it is time to make an end of those follies, and you shall at this time pardon me this one fault of writing to you; for I mean to do it no more till you use me and respect me as you ought. So, wishing you better than it seemeth you will draw upon yourself, I rest,

Yours,

FR. BACON.

TO SIR THOMAS BODELEY, AFTER HE HAD IMPARTED TO HIM A WRITING, ENTITLED, *COGITATA ET VISA.**

SIR,—In respect of my going down to my house in the country, I shall have miss of my papers, which I pray you therefore to return unto me. You are, I bear you witness, slothful, and you help me nothing: so as I am half in conceit that you affect not the argument, for myself, I know well, you love and affect. I can say no more to you, but *non canimus surdis, respondent omnia sylvæ.* If you be not of the lodgings chalked up, whereof I speak in my preface, I am but to pass by your door. But if I had you a fortnight at Gorhambury, I would make you tell me another tale; or else I would add a cogitation against libraries, and be revenged on you that way. I pray you send me some good news of Sir Thomas Smith, and commend me very kindly to him. So I rest.

1607.

TO THE KING.†

IT MAY PLEASE YOUR EXCELLENT MAJESTY,

Mr. St. John his day is past, and well past. I hold it to be Janus Bifrons; it hath a good aspect to that which is past, and to the future; and doth both satisfy and prepare. All did well; my lord chief justice delivered the law for the benevolence strongly; I would he had done it timely. Mr. Chancellor of the Exchequer‡ spake finely, somewhat after the manner of my late lord privy seal;* not all out so sharply, but as elegantly. Sir Thomas Lake, who is also new in that court, did very well, familiarly and counsellor-like.† My lord of Pembroke, who is likewise a stranger there, did extraordinary well, and became himself well, and had an evident applause.‡ I meant well also; and because my information was the ground; having spoken out of a few heads which I had gathered, for I seldom do more, I set down, as soon as I came home, cursorily, a frame of that I had said; though I persuade myself I spake it with more life. I have sent it to Mr. Murray sealed; if your majesty have so much idle time to look upon it, it may give some light of the day's work: but I most humbly pray your majesty to pardon the errors. God preserve you ever.

Your majesty's most humble subject,

and devoted servant,

FR. BACON.

April 29, 1615.

SIR FRANCIS BACON TO KING JAMES.§

IT MAY PLEASE YOUR MOST EXCELLENT MAJESTY,

It pleased your majesty to commit to my care and trust for Westminster Hall three particulars; that of the *rege inconsulto*, which concerneth Murray; that of the commendams, which con-

* Rawley's Resuscitatio.

† Ibid.

‡ The chancellor of the exchequer here meant, was Sir Fulke Greville, who, being early initiated into the court of Queen Elizabeth, became a polite and fine gentleman; and, in the 18th of King James, was created Lord Brooke. He erected a noble monument for himself on the north side of Warwick church, which hath escaped the late desolation, with this well known inscription: "Fulke Greville, servant to Queen Elizabeth, counsellor to King James, and friend to Sir Philip Sidney." Nor is he less remembered by the monument he has left in his writings and poems, chiefly composed in his youth, and in familiar exercises with the gentleman I have before mentioned.—*Stephens*

* Late Earl of Northampton.

† Sir Thomas Lake was about this time made one of the principal secretaries of state, as he had been formerly Latin secretary to Queen Elizabeth, and, before that time, bred under Sir Francis Walsingham. But, in the year 1618, falling into the king's displeasure, and being engaged in the quarrels with his wife and daughter, the Lady Roos, with the Countess of Exeter, he was at first suspended from the execution of his place, and afterwards removed, and deeply censured and fined in the Star Chamber; although it is said the king then gave him, in open court, this public eulogy, that he was a minister of state fit to serve the greatest prince in Europe. Whilst this storm was hanging over his head, he writ many letters to the king and the Marquis of Buckingham, which I have seen, complaining of his misfortune, that his ruin was likely to proceed from the assistance he gave to his nearest relations.—*Stephens.*

‡ William, Earl of Pembroke, son to Henry Herbert, Earl of Pembroke, Lord President of the Council in the marches of Wales, by Mary his wife, a lady in whom the muses and graces seemed to meet; whose very letters, in the judgment of one who saw many of them, declared her to be mistress of a pen not inferior to that of her brother, the admirable Sir Philip Sidney, and to whom he addressed his Arcadia. Nor did this gentleman degenerate from their wit and spirit, as his poems, his great patronage of learned men, and resolute opposition to the Spanish match, did, among other instances, fully prove. In the year 1616, he was made lord chamberlain, and chosen chancellor of the university of Oxford. He died suddenly on the 10th of April, 1630, having just completed fifty years. But, his only son deceasing, a child, before him, his estate and honours descended upon his younger brother, Philip, Earl of Montgomery, the lineal ancestor of the present noble and learned earl.—*Stephens.*

§ Sir David Dalrymple's Memorials and Letters, p. 46

cerneth the Bishop of Lincoln; and that of the *habeas corpus*, which concerneth the Chancery.

These causes, although I gave them private additions, yet, they are merely, or at least chiefly, yours; and the die runneth upon your royal prerogative's diminution, or entire conservation. Of these it is my duty to give your majesty a short account.

For that of the *rege inconsulto*, I argued the same in the King's Bench on Thursday last. There argued on the other part Mr. George Crook, the Judge's brother, an able bookman, and one that was manned forth with all the furniture that the bar could give him, I will not say the bench, and with the study of a long vacation. I was to answer, which hath a mixture of the sudden; and of myself I will not, nor cannot say any thing, but that my voice served me well for two hours and a half; and that those that understood nothing could tell me that I lost not one auditor that was present in the beginning, but stayed till the later end. If I should say more, there were too many witnesses, for I never saw the court more full, that might disprove me.

My Lord Coke was pleased to say, that it was a famous argument; but withal, he asked me a politic and tempting question: for, taking occasion by a notable precedent I had cited, where, upon the like writ brought, all the judges in England assembled, and that privately, lest they should seem to dispute the king's commandment, and, upon conference, with one mind agreed, that the writ must be obeyed. Upon this hold, my lord asked me, whether I would have all the rest of the judges called to it. I was not caught; but knowing well that the judges of the Common Pleas were most of all others interested in respect of the prothonotaries, I answered, civilly, that I could advise of it; but that I did not distrust the court; and, besides, I thought the case so clear, as it needed not.

Sir, I do perceive, that I have not only stopped, but almost turned the stream; and I see how things cool by this, that the judges that were wont to call so hotly upon the business, when they had heard, of themselves, took a fortnight day to advise what they will do, by which time the term will be near at an end; and I know they little expected to have the matter so beaten down with book-law, upon which my argument wholly went; so that every mean student was satisfied. Yet, because the times are as they are, I could wish, in all humbleness, that your majesty would remember and renew your former commandment which you gave my lord chief justice in Michaelmas term, which was, that after he had heard your attorney, which is now done, he should forbear further proceeding till he had spoke with your majesty.

It concerneth your majesty threefold. First, in this particular of Murray; next, in consequence of fourteen several patents, part in Queen Elizabeth's time, some in your majesty's time, which depend upon the like question; but chiefly because this writ is a mean provided by the ancient law of England, to bring any case that may concern your majesty, in profit or power, from the ordinary benches, to be tried and judged before your Chancellor of England, by the ordinary and legal part of his power: and your majesty knoweth your chancellor is ever a principal counsellor, and instrument of monarchy, of immediate dependence upon the king: and, therefore, like to be a safe and tender guardian of the royal rights.

For the case of the commendams, a matter likewise of great consequence, though nothing near the first, this day I was prepared to have argued it before all the judges; but, by reason of the sickness of the sergeant which was provided to argue on the other side, although I pressed to have had some other day appointed this term; yet it pleased divers of the judges to do me the honour, as to say it was not fit any should argue against me, upon so small time of warning, it is adjourned to the first Saturday next term.

For the matter of the *habeas corpus*, I perceive this common employment of my lord chancellor, and my lord chief justice, in these examinations, is such a *vinculum*, as they will not square while these matters are in hand, so that there is *altum silentium* of that matter. God ever preserve your majesty.

Your majesty's most humble
and bounden subject and servant,
FR. BACON.

January 27, 1615.

TO SIR GEORGE VILLIERS, ON SENDING HIS BILL FOR VISCOUNT.*

SIR:—I send you the bill for his majesty's signature, reformed according to his majesty's amendments, both in the two places, which, I assure you, were both altered with great judgment, and in the third place, which his majesty termed a question only. But he is an idle body that thinks his majesty asks an idle question; and therefore his majesty's questions are to be answered by taking away the cause of the question, and not by replying.

For the name, his majesty's will is law in those things; and to speak truth, it is a well sounding and noble name, both here and abroad; and being your proper name, I will take it for a good sign that you shall give honour to your dignity, and not your dignity to you. Therefore I have made it Viscount Villiers: and for your barony, I will keep it for an earldom; for,

* Stephens's second Collection, p. 10.

though the other had been more orderly, yet that is as usual, and both alike good in law.

For Roper's place,* I would have it by all means despatched; and therefore I marvel it lingereth. It were no good manners to take the business out of my lord treasurer's hands; and therefore I purpose to write to his lordship, if I hear not from him first by Mr. Deccomb. But if I hear of any delay, you will give me leave, especially since the king named me, to deal with Sir John Roper myself; for neither I nor my lord treasurer can deserve any great thanks of you in this business, considering the king hath spoken to Sir John Roper, and he hath promised; and, besides, the thing itself is so reasonable as it ought to be as soon done as said. I am now gotten into the country to my house, where I have some little liberty to think of that I would think of, and not of that which other men hourly break my head withal, as it was at London. Upon this you may conclude, that most of my thoughts are of his majesty; and then you cannot be far off. God ever keep you, and prosper you. I rest always

Your true and most devoted servant,

FR. BACON.

Aug. 5, one of the happiest days, 1616.

BY KING JAMES.†

TO OUR TRUSTY AND WELL BELOVED THOMAS COVENTRY, OUR ATTORNEY-GENERAL.

Trusty and well beloved, we greet you well:

Whereas, our right trusty and right well beloved cousin, the Viscount of St. Alban, upon a sentence given in the Upper House of Parliament full three years since, and more, hath endured loss of his place, imprisonment, and confinement‡ also for a great time, which may suffice for the satisfaction of justice, and example to others: we being always graciously inclined to temper mercy with justice, and calling to mind his former good services, and how well and profitably he hath spent his time since his trouble, are pleased to remove from him that blot of ignominy which yet remaineth upon him, of incapacity and disablement; and to remit to him all penalties whatsoever inflicted by that sentence. Having therefore formerly pardoned his fine, and released his confinement, these are to will and require you to prepare, for our signature, a bill containing a pardon, in due form of law, of the whole sentence; for which this shall be your sufficient warrant.

* Sir John Roper, who had for many years enjoyed the place of the chief clerk for enrolling of pleas in the court of King's Bench, esteemed to be worth about four thousand pounds per annum, being grown old, was prevailed with to surrender it upon being created Lord Teynham, with a reservation of the profits thereof to himself during life. Upon which surrender, Sir George Villiers was to have the office granted to two of his trustees for their lives, as Carr, Earl of Somerset, was to have had before. But the Lord Chief Justice Coke not being very forward to accept of the surrender, or make a new grant of it upon those terms, he was, upon the 3d of October, 1616, commanded to desist from the service of this place, and at last removed from it upon the 15th of November following. His successor, Sir Henry Montagu, third son of Sir Edward Montagu, of Boughton in Northamptonshire, recorder of London, and king's sergeant, being more complaisant, Sir John Roper resigned, towards the latter end of the same month; and Mr. Shute, and Mr. Heath, who was afterwards the king's solicitor-general, being the deputies and trustees of Sir George Villiers, were admitted.—*Stephens's Introduct.* p. 37.

† Cabala, 270. Edw. 1663.

‡ His sentence forbid his coming within the verge of the court [In consequence of this letter, my Lord Bacon was summoned to Parliament in the first year of King Charles.]

MR. FRANCIS BACON TO THE EARL OF ESSEX.*

MY LORD,—I did almost conjecture, by your silence and countenance, a distaste in the course I imparted to your lordship touching mine own fortune; the care whereof in your lordship as it is no news to me, so, nevertheless, the main effects and demonstrations past are so far from dulling in me the sense of any new, as, contrariwise, every new refresheth the memory of many past. And for the free and loving advice your lordship hath given me, I cannot correspond to the same with greater duty, than by assuring your lordship, that I will not dispose of myself without your allowance, not only because it is the best wisdom in any man in his own matters, to rest in the wisdom of a friend, (for who can by often looking in the glass discern and judge so well of his own favour as another with whom he converseth?) but also because my affection to your lordship hath made mine own contentment inseparable from your satisfaction. But, notwithstanding, I know it will be pleasing to your good lordship that I use my liberty of replying; and I do almost assure myself, that your lordship will rest persuaded by the answer of those reasons which your lordship vouchsafed to open. They were two, the one, that I should include * * *

April, 1593.

The rest of the letter is wanting.

THE EARL OF ESSEX TO MR. FRANCIS BACON.†

MR. BACON,—Your letter met me here yesterday. When I came, I found the queen so wayward, as I thought it no fit time to deal with her in any sort, especially since her choler grew towards myself, which I have well satisfied this day, and will take the first opportunity I can to

* Among the papers of Antony Bacon, Esq., vol. iii. fol 74, in the Lambeth Library.

† Ibid. fol. 197.

move your suit. And if you come hither, I pray you let me know still where you are. And so, being full of business, I must end, wishing you what you wish to yourself.

Your assured friend,
ESSEX.

Sept. 1593.

LORD TREASURER BURGHLEY TO MR. FRANCIS BACON.*

NEPHEW,—I have no leisure to write much; but for answer I have attempted to place you: but her majesty hath required the lord keeper† to give to her the names of divers lawyers to be preferred, wherewith he made me acquainted, and I did name you as a meet man, whom his lordship allowed in way of friendship, for your father's sake: but he made scruple to equal you with certain, whom he named, as Brograve‡ and Branthwayt, whom he specially commendeth. But I will continue the remembrance of you to her majesty, and implore my Lord of Essex's help.

Your loving uncle,
N. BURGHLEY.

Sept. 27, 1593.

SIR ROBERT CECIL TO MR. FRANCIS BACON.§

COUSIN,—Assure yourself that the solicitor's|| coming gave no cause of speech; for it was concerning a book to be drawn, concerning the bargain of wines. If there had been, you should have known, or when there shall. To satisfy your request of making my lord know, how recommended your desires are to me, I have spoken with his lordship, who answereth he hath done and will do his best. I think your absence longer than for my good aunt's comfort will do you no good: for, as I ever told you, it is not likely to find the queen apt to give an office, when the scruple is not removed of her forbearance to speak with you. This being not yet perfected may stop good, when the hour comes of conclusion, though it be but a trifle, and questionless would be straight despatched, if it were luckily handled. But herein do I, out of my desire to satisfy you, use this my opinion, leaving you to your own better knowledge what hath been done for you, or in what terms that matter standeth. And thus, desirous to be recommended to my good aunt, to whom my wife heartily commends her, I leave you to the protection of Almighty God,

Your loving cousin and friend,
ROBERT CECIL.

From the Court at Windsor, this 27th of Sept., 1593.

I have heard in these causes, *Facies hominis est tanquam leonis.*

MR. FRANCIS BACON TO THE QUEEN.*

MADAM,—Remembering that your majesty had been gracious to me both in countenancing me, and conferring upon me the reversion of a good place, and perceiving that your majesty had taken some displeasure towards me, both these were arguments to move me to offer unto your majesty my service, to the end to have means to deserve your favour, and to repair my error. Upon this ground, I affected myself to no great matter, but only a place of my profession, such as I do see divers younger in proceeding to myself, and men of no great note, do without blame aspire unto. But if any of my friends do press this matter, I do assure your majesty my spirit is not with them.

It sufficeth me that I have let your majesty know that I am ready to do that for the service, which I never would do for mine own gain. And if your majesty like others better, I shall, with the Lacedemonian, be glad that there is such choice of abler men than myself. Your majesty's favour indeed, and access to your royal person, I did ever, encouraged by your own speeches, seek and desire; and I would be very glad to be reintegrate in that. But I will not wrong mine own good mind so much as to stand upon that now, when your majesty may conceive I do it but to make my profit of it. But my mind turneth upon other wheels than those of profit. The conclusion shall be, that I wish your majesty served answerable to yourself. *Principis est virtus maxima nosse suos.* Thus I most humbly crave pardon of my boldness and plainness. God preserve your majesty.

MR. FRANCIS BACON TO ROBERT KEMP, OF GRAY'S INN, ESQ.†

GOOD ROBIN,—There is no news you can write to me, which I take more pleasure to hear, than of your health, and of your loving remembrance of me; the former whereof though you mention not in your letter, yet I straight presumed well of it, because your mention was so fresh to make such a flourish. And it was afterwards accord-

* Among the papers of Antony Bacon, Esq., vol. iii. fol. 197, in the Lambeth Library.

† Puckering.

‡ John Brograve, attorney of the duchy of Lancaster, and afterwards knighted. He is mentioned by Mr. Francis Bacon, in his letter to the lord treasurer of the 7th of June, 1595, from Gray's Inn, as having discharged his post of attorney of the duchy, with great sufficiency. There is extant, of his, in print, a reading upon the statute of 27 Henry VIII., concerning jointures.

§ Among the papers of Antony Bacon, Esq., vol. iii. fol. 197, *verso*, in the Lambeth Library.

|| Mr. Edward Coke.

* Among the papers of Antony Bacon, Esq., vol. iii. fol. 315, in the Lambeth Library.

† Ibid. fol. 281.

ingly confirmed by your man, Roger, who made me a particular relation of the former negotiation between your ague and you. Of the latter, though you profess largely, yet I make more doubt, because your coming is turned into a sending; which when I thought would have been repaired by some promise or intention of yourself, your man Roger entered into a very subtle distinction to this purpose, that you could not come except you heard I was attorney; but I ascribe that to your man's invention, who had his reward in laughing; for I hope you are not so stately, but that I shall be one to you *stylo vetere* or *stylo novo*. For my fortune, (to speak court,) it is very slow, if any thing can be slow to him that is secure of the event. In short, nothing is done in it; but I propose to remain here at Twickenham till Michaelmas term, then to St. Albans, and after the term to court. Advise you, whether you will play the honest man or no. In the mean time I think long to see you, and pray to be remembered to your father and mother.

Yours, in loving affection,

FR. BACON.

From Twickenham Park, this 4th of Nov. 1593.

MR. FRANCIS BACON TO THE EARL OF ESSEX.*

MY LORD:—I thought it not amiss to inform your lordship of that, which I gather partly by conjecture, and partly by advertisement of the late recovered man, that is so much at your devotion, of whom I have some cause to think, that he† worketh for the Huddler‡ underhand. And though it may seem strange, considering how much it importeth him to join straight with your lordship, in regard both of his enemies and of his ends; yet I do the less rest secure upon the conceit, because he is a man likely to trust so much to his art and finesse, (as he, that is an excellent wherryman, who, you know, looketh towards the bridge, when he pulleth towards Westminster,) that he will hope to serve his turn, and yet to preserve your lordship's good opinion. This I write to the end, that if your lordship do see nothing to the contrary, you may assure him more, or trust him less; and chiefly, that your lordship be pleased to sound again, whether they have not, amongst them drawn out the nail, which your lordship had driven in for the negative of the Huddler; which, if they have, it will be necessary for your lordship to iterate more forcibly your former reasons, whereof there is such *copia*, as I think you may use all the places of logic against his placing.

Thus, with my humble thanks for your lordship's honourable usage of Mr. Standen, I wish you all honour.

Your lordship's, in most faithful duty,

FR. BACON.

Nov. 10, 1593.

I pray, sir, let not my jargon privilege my letter from burning; because it is not such, but the light showeth through.

EARL OF ESSEX TO MR. FRANCIS BACON.*

SIR:—I have received your letter, and since I have had opportunity to deal freely with the queen. I have dealt confidently with her as a matter, wherein I did more labour to overcome her delays, than that I did fear her denial. I told how much you were thrown down with the correction she had already given you, that she might in that point hold herself already satisfied. And because I found, that Tanfield† had been most propounded to her, I did most disable him. I find the queen very reserved, staying herself upon giving any kind of hope, yet not passionate against you, till I grew passionate for you. Then she said, that none thought you fit for the place but my lord treasurer and myself. Marry, the others must some of them say before us for fear or for flattery. I told her, the most and wisest of her council had delivered their opinions, and preferred you before all men for that place. And if it would please her majesty to think, that whatsoever they said contrary to their own words when they spake without witness, might be as factiously spoken, as the other way flatteringly, she would not be deceived. Yet if they had been never for you, but contrarily against you, I thought my credit, joined with the approbation and mediation of her greatest counsellors, might prevail in a greater matter than this; and urged her, that though she could not signify her mind to others, I might have a secret promise, wherein I should receive great comfort, as in the contrary great unkindness. She said she was neither persuaded nor would hear of it till Easter, when she might advise with her council, who were now all absent; and, therefore, in passion bid me go to bed, if I would talk of nothing else. Wherefore in passion I went away, saying, while I was with her, I could not but solicit for the cause and the man I so much affected; and therefore I would retire myself till I might be more graciously heard; and so we parted. To-morrow I will go hence of purpose, and on Thursday I will write an expostulating letter to her. That night or upon Friday morn-

* Among the papers of Antony Bacon, Esq., vol. iii. fol. 283, in the Lambeth Library.

† Probably Lord Keeper Puckering.

‡ Mr. Edward Coke.

* Among the papers of Antony Bacon, Esq., vol. iv. fol. 90, in the Lambeth Library.

† Probably Laurence Tanfield, made lord chief baron of the exchequer in June, 1607.

ing I will be here again, and follow on the same course, stirring a discontentment in her, &c. And so wish you all happiness, and rest

Your most assured friend,
ESSEX.

Endorsed, March 28, 1594.

THE EARL OF ESSEX TO MR. FRANCIS BACON.*

SIR:—I have now spoken with the queen, and I see no stay from obtaining a full resolution of that we desire. But the passion she is in by reason of the tales that have been told her against Nicholas Clifford, with whom she is in such rage, for a matter, which I think you have heard of, doth put her infinitely out of quiet; and her passionate humour is nourished by some foolish women. Else I find nothing to distaste us, for she doth not contradict confidently; which they that know the minds of women, say is a sign of yielding. I will to-morrow take more time to deal with her, and will sweeten her with all the art I have to make *benevolum auditorem*. I have already spoken with Mr. Vice-Chamberlain,† and will to-morrow speak with the rest. Of Mr. Vice-Chamberlain you may assure yourself; for so much he hath faithfully promised me. The exceptions against the competitors I will use to-morrow; for then I do resolve to have a full and large discourse, having prepared the queen to-night to assign me a time under colour of some such business, as I have pretended. In the mean time I must tell you, that I do not respect either my absence, or my showing a discontentment in going away, for I was received at my return, and I think I shall not be the worse. And for that I am oppressed with multitude of letters that are come, of which I must give the queen some account to-morrow morning, I therefore desire to be excused for writing no more to-night: to-morrow you shall hear from me again. I wish you what you wish yourself in this and all things else, and rest

Your most affectionate friend,
ESSEX.

This Friday at night.

Endorsed, March 29, 1594.

MR. FRANCIS BACON TO THE EARL OF ESSEX.‡

MY LORD,—I thank your lordship very much for your kind and comfortable letter, which I hope will be followed at hand with another of more assurance. And I must confess this very delay hath gone so near me, as it hath almost over thrown my health; for when I revolved the good memory of my father, the near degree of alliance I stand in to my lord treasurer, your lordship's so signalled and declared favour, the honourable testimony of so many counsellors, the commendations unlaboured, and in sort offered by my lords the judges and the master of the rolls elect;* that I was voiced with great expectation, and, though I say it myself, with the wishes of most men, to the higher place;† that I am a man, that the queen hath already done for; and that princes, especially her majesty, love to make an end where they begin; and then add hereunto the obscureness and many exceptions to my competitors: when I say I revolve all this, I cannot but conclude with myself, that no man ever read a more exquisite disgrace; and, therefore, truly, my lord, I was determined, if her majesty reject me, this to do. My nature can take no evil ply; but I will, by God's assistance, with this disgrace of my fortune, and yet with that comfort of the good opinion of so many honourable and worthy persons, retire myself with a couple of men to Cambridge, and there spend my life in my studies and contemplations without looking back. I humbly pray your lordship to pardon me for troubling you with my melancholy. For the matter itself, I commend it to your love; only I pray you communicate afresh this day with my lord treasurer and Sir Robert Cecil; and if you esteem my fortune, remember the point of precedency. The objections to my competitors your lordship knoweth partly. I pray spare them not, not over the queen, but to the great ones, to show your confidence, and to work their distrust. Thus, longing exceedingly to exchange troubling your lordship with serving you, I rest

Your lordship's,
in most entire and faithful service,
FRANCIS BACON.

March 30, 1594.

I humbly pray your lordship I may hear from you some time this day.

MR. FRANCIS BACON TO SIR ROBERT CECIL.‡

MY MOST HONOURABLE GOOD COUSIN,

Your honour in your wisdom doth well perceive, that my access at this time is grown desperate in regard of the hard terms, that as well the Earl of Essex as Mr. Vice-Chamberlain, who were to have been the means thereof, stand in with her majesty, according to their occasions. And, therefore, I am only to stay upon that point of

* Among the papers of Antony Bacon, Esq. vol. iv. fol 89, in the Lambeth Library.
† Sir Thomas Heneage.
‡ Among the papers of Antony Bacon, Esq., vol. iii. fol. 62, in the Lambeth Library

* Sir Thomas Egerton.
† That of attorney-general.
‡ Among the papers of Antony Bacon, Esq , vol. iv. fol. 122, in the Lambeth Library.

delaying and preserving the matter entire till a better constellation; which, as it is not hard, as I conceive, considering the French business and the instant progress, &c., so I commend in special to you the care, who in sort assured me thereof, and upon whom now, in my Lord of Essex's absence, I have only to rely; and, if it be needful, I humbly pray you to move my lord your father to lay his hand to the same delay. And so I wish you all increase of honour.

Your honour's poor kinsman,
in faithful service and duty,
FRANCIS BACON.

From Gray's Inn, this 1st of May 1594.

SIR ROBERT CECIL'S ANSWER.*

COUSIN,—I do think nothing cut the throat more of your present access than the earl's being somewhat troubled at this time. For the delaying I think it not hard, neither shall there want my best endeavour to make it easy, of which I hope you shall not need to doubt by the judgment, which I gather of divers circumstances confirming my opinion. I protest I suffer with you in mind, that you are thus gravelled; but time will founder all your competitors, and set you on your feet, or else I have little understanding.

EARL OF ESSEX TO MR. FRANCIS BACON.†

SIR,—I wrote not to you till I had had a second conference with the queen, because the first was spent only in compliments: she in the beginning excepted all business: this day she hath seen me again. After I had followed her humour in talking of those things, which she would entertain me with, I told her, in my absence I had written to Sir Robert Cecil, to solicit her to call you to that place, to which all the world had named you; and being now here, I must follow it myself; for I know what service I should do her in procuring you the place; and she knew not how great a comfort I should take in it. Her answer in playing just was, that she came not to me for that, I should talk of those things when I came to her, not when she came to me; the term was coming, and she would advise. I would have replied, but she stopped my mouth. To-morrow or the next day I will go to her, and then this excuse will be taken away. When I know more, you shall hear more; and so I end full of pain in my head, which makes me write thus confusedly.

Your most affectionate friend.

EARL OF ESSEX TO MR. FRANCIS BACON.*

SIR,—I went yesterday to the queen through the galleries in the morning, afternoon, and at night. I had long speech with her of you, wherein I urged both the point of your extraordinary sufficiency proved to me not only by your last argument, but by the opinion of all men I spake withal, and the point of mine own satisfaction, which, I protested, should be exceeding great, if, for all her unkindness and discomforts past, she should do this one thing for my sake. To the first she answered, that the greatness of your friends, as of my lord treasurer and myself, did make men give a more favourable testimony than else they would do, thinking thereby they pleased us. And that she did acknowledge you had a great wit, and an excellent gift of speech, and much other good learning. But in law she rather thought you could make show to the uttermost of your knowledge, than that you were deep. To the second she said, she showed her mislike to the suit, as well as I had done my affection in it; and that if there were a yielding, it was fitter to be of my side. I then added, that this was an answer, with which she might deny me all things, if she did not grant them at the first, which was not her manner to do. But her majesty had made me suffer and give way in many things else; which all I should bear, not only with patience, but with great contentment, if she would but grant my humble suit in this one. And for the pretence of the approbation given you upon partiality, that all the world, lawyers, judges, and all, could not be partial to you; for somewhat you were crossed for their own interest, and some for their friends; but yet all did yield to your merit. She did in this as she useth in all, went from a denial to a delay, and said, when the council were all here, she would think of it; and there was no haste in determining of the place. To which I answered, that my sad heart had need of hasty comfort; and, therefore, her majesty must pardon me, if I were hasty and importunate in it. When they come we shall see what will be done; and I wish you all happiness, and rest

Your most affectionate friend,
ESSEX.

Endorsed, 18th of May, 1594.

FOULKE GREVILL, ESQ. TO MR. FRANCIS BACON.†

MR. FRANCIS BACON,

Saturday was my first coming to the court, from whence I departed again as soon as I had kissed her majesty's hands, because I had no lodging nearer than my uncle's, which is four

* Among the papers of Antony Bacon, Esq., vol. iv. fol. 122, in the Lambeth Library.
† Ibid. fol. 122.

* Among the papers of Antony Bacon, Esq., vol. iv. fol. 123, in the Lambeth Library.
† Ibid. fol. 132.

miles off. This day I came thither to dinner, and waiting for to speak with the queen, took occasion to tell how I met you, as I passed through London; and among other speeches, how you lamented your misfortune to me, that remained as a withered branch of her roots, which she had cherished and made to flourish in her service. I added what I thought of your worth, and the expectation for all this, that the world had of her princely goodness towards you: which it pleased her majesty to confess, that indeed you began to frame very well, insomuch as she saw an amends in those little supposed errors, avowing the respect she carried to the dead, with very exceeding gracious inclination towards you. Some comparisons there fell out besides, which I leave till we meet, which I hope shall be this week. It pleased her withal to tell of the jewel you offered her by Mr. Vice-Chamberlain, which she had refused, yet with exceeding praise. I marvel, that as a prince she should refuse those havings of her poor subjects, because it did include a small sentence of despair; but either I deceive myself, or she was resolved to take it; and the conclusion was very kind and gracious. Sure as I will one hundred pounds to fifty pounds that you shall be her solicitor, and my friend; in which mind and for which mind I commend you to God. From the court, this Monday in haste,

Your true friend to be commanded by you,

FOULKE GREVILL.

We cannot tell whether she comes to ——— or stay here. I am much absent for want of lodging; wherein my own man hath only been to blame.

Endorsed, 17th of June, 1594.

MR FRANCIS BACON TO THE QUEEN.*

MOST GRACIOUS AND ADMIRABLE SOVEREIGN,

As I do acknowledge a providence of God towards me, that findeth it expedient for me *tolerare jugum in juventute meâ;* so this present arrest of mine by his divine majesty from your majesty's service is not the least affliction, that I have proved; and I hope your majesty doth conceive, that nothing under mere impossibility could have detained me from earning so gracious a veil, as it pleased your majesty to give me. But your majesty's service by the grace of God shall take no lack thereby; and, thanks to God, it hath lighted upon him that may be the best spared. Only the discomfort is mine, who nevertheless have the private comfort, that in the time I have been made acquainted with this service, it hath been my hap to stumble upon somewhat unseen, which may import the same, as I made my lord keeper acquainted before my going. So, leaving it to God to make a good end of a hard beginning, and most humbly craving your majesty's pardon for presuming to trouble you, I recommend your sacred majesty to God's tenderest preservation.

Your sacred majesty's, in most humble obedience and devotion,

FR. BACON.

From Huntingdon, this 20th of July, 1594.

* Among the papers of Antony Bacon, Esq., vol. iv. fol. 141, and 156, in the Lambeth Library.

MR. FRANCIS BACON TO HIS BROTHER ANTONY.*

MY GOOD BROTHER,

One day draweth on another; and I am well pleased in my being here; for methinks solitariness collecteth the mind, as shutting the eye doth the sight. I pray you, therefore, advertise me what you find, by my Lord of Essex, (who, I am sure, hath been with you,) was done last Sunday; and what he conceiveth of the matter. I hold in one secret, and therefore you may trust your servant. I would be glad to receive my parsonage rent as soon as it cometh. So leave I you to God's good preservation.

Your ever loving brother,

FR. BACON.

From Twickenham Park, this Tuesday morning, 1594.

Endorsed, 16 Oct. 1594.

EARL OF ESSEX TO MR. FRANCIS BACON.†

SIR:—I will be to-morrow night at London. I purpose to hear your argument the next day. I pray you send me word by this bearer of the hour and place where it is. Of your own cause I shall give better account when I see you, than I can do now; for that which will be done, will be this afternoon or to-morrow.

I am fast unto you, as you can be to yourself,

ESSEX.

Endorsed, 23 Oct. 1594.

MR. FRANCIS BACON TO HIS BROTHER ANTONY.‡

GOOD BROTHER,

Since I saw you this hath passed. Tuesday, though sent for, I saw not the queen. Her majesty alleged she was then to resolve with the council upon her places of law. But this resolution was *ut supra;* and note the rest of the counsellors were persuaded she came rather forwards than otherwise; for against me she is never pe-

* Among the papers of Antony Bacon, Esq., vol. iv. fol. 197, in the Lambeth Library.
† Ibid. fol. 195.
‡ Ibid. fol. 28.

remptory but to my lord of Essex. I missed a line of my Lord Keeper's; but thus much I hear otherwise. The queen seemeth to apprehend my travel. Whereupon I was sent for by Sir Robert Cecil in sort as from her majesty; himself having of purpose immediately gone to London to speak with me; and not finding me there, he wrote to me. Whereupon I came to the court, and upon his relation to me of her majesty's speeches, I desired leave to answer it in writing; not, I said, that I mistrusted his report, but mine own wit; the copy of which answer I send. We parted in kindness, *secundum exterius*. This copy you must needs return, for I have no other; and I wrote this by memory after the original was sent away. The queen's speech is after this sort. *Why? I have made no solicitor. Hath any body carried a solicitor with him in his pocket? But he must have it in his own time*, (as if it were but yesterday's nomination,) *or else I must be thought to cast him away.* Then her majesty sweareth thus: "If I continue this manner, she will seek all England for a solicitor rather than take me. Yea, she will send for Heuston and Coventry* to-morrow next," as if she would swear them both. Again she entereth into it, that "she never deals so with any as with me (*in hoc erratum non est*) she hath pulled me over the bar (*note the words, for they cannot be her own*) she hath used me in her greatest causes. But this is Essex, and she is more angry with him than with me." And such like speeches, so strange, as I should lose myself in it, but that I have cast off the care of it. My conceit is, that I am the least part of mine own matter. But her majesty would have a delay, and yet would not bear it herself. Therefore she giveth no way to me, and she perceiveth her council giveth no way to others; and so it sticketh as she would have it. But what the secret of it is, *oculus aquila non penetravit*. My lord† continueth on kindly and wisely a course worthy to obtain a better effect than a delay, which to me is the most unwelcome condition.

Now, to return to you the part of a brother, and to render you the like kindness, advise you, whether it were not a good time to set in strongly with the queen to draw her to honour your travels. For in the course I am like to take, it will be a great and necessary stay to me, besides the natural comfort I shall receive. And if you will have me deal with my Lord of Essex, or otherwise break it by mean to the queen, as that, which shall give me full contentment, I will do it as effectually, and with as much good discretion as I can. Wherein if you aid me with your direction, I shall observe it. This, as I did ever account it sure and certain to be accomplished, in case myself had been placed, and therefore deferred it till then, as to the proper opportunity; so now that I see such delay in mine own placing, I wish *ex animo* it should not expect.

I pray you let me know what mine uncle Killigrew will do;* for I must be more careful of my credit than ever, since I receive so little thence where I deserved best. And, to be plain with you, I mean even to make the best of those small things I have with as much expedition, as may be without loss; and so sing a mass of *requiem*, I hope, abroad. For I know her majesty's nature, that she neither careth though the whole surname of Bacons travelled, nor of the Cecils neither.

I have here an idle pen or two, specially one, that was cozened, thinking to have got some money this term. I pray send me somewhat else for them to write out besides your Irish collection, which is almost done. There is a collection of King James, of foreign states, largeliest of Flanders; which, though it be no great matter, yet I would be glad to have it. Thus I commend you to God's good protection.

Your entire loving brother,

FR. BACON.

From my lodging, at Twickenham Park,
this 25th of January, 1594

LETTER OF MR FRANCIS BACON TO SIR ROBERT CECIL;† A COPY OF WHICH WAS SENT WITH THE PRECEDING TO MR ANTONY BACON.

SIR:—Your honour may remember, that upon relation of her majesty's speech concerning my travel, I asked leave to make answer in writing; not but I knew then what was true, but because I was careful to express it without doing myself wrong. And it is true, I had then opinion to have written to her majesty: but, since weighing with myself, that her majesty gave no ear to the motion made by yourself, that I might answer by mine own attendance, I began to doubt the second degree, whether it might not be taken for presumption in me to write to her majesty; and so resolved, that it was best for me to follow her majesty's own way in committing it to your report.

It may please your honour to deliver to her majesty, first, that it is an exceeding grief to me, that any not motion (for it was not a motion) but mention, that should come from me, should offend her majesty, whom for these one-and-twenty years (for so long it is, that I kissed her majesty's hands upon my journey into France) I have used the best of my wits to please.

Next, mine answer standing upon two points, the one, that this mention of travel to my lord of Essex was no present motion, suit, or request;

* Thomas Coventry, afterwards one of the justices of the Common Pleas, and father of the Lord Keeper Coventry.
† Essex

* Mr. Antony Bacon had written to Sir Henry Killigrew on the 14th of January, 1594-5, to desire the loan of two hundred pounds for six months. Vol. iv. fol. 4.
† Among the papers of Antony Bacon, Esq., vol. iv. fol. 31.

but casting the worst of my fortune with an honourable friend, that had long used me privately, I told his lordship of this purpose of mine to travel, accompanying it with these very words, that upon her majesty's rejecting me with such circumstance, though my heart might be good, yet mine eyes would be sore, that I should take no pleasure to look upon my friends; for that I was not an impudent man, that could face out a disgrace; and that I hoped her majesty would not be offended, that, not able to endure the sun, I fled into the shade. The other, that it was more than this; for I did expressly and particularly, (for so much wit God then lent me,) by way of caveat, restrain my lord's good affection, that he should in no wise utter or mention this matter till her majesty had made a solicitor; wherewith (now since my looking upon your letter) I did in a dutiful manner challenge my lord, who very honourably acknowledged it, seeing he did it for the best; and therefore I leave his lordship to answer for himself. All this my Lord of Essex can testify to be true: and I report me to yourself, whether at the first, when I desired deliberation to answer, yet nevertheless said, I would to you privately declare what had passed, I said not in effect so much. The conclusion shall be, that wheresoever God and her majesty shall appoint me to live, I shall truly pray for her majesty's preservation and felicity. And so I humbly commend me to you.

Your poor kinsman to do you service,

FR. BACON.

Endorsed, January, 1591.

TO SIR THOMAS EGERTON, LORD KEEPER OF THE GREAT SEAL.*

MAY IT PLEASE YOUR HONOURABLE GOOD LORDSHIP,

Of your lordship's honourable disposition, both generally and to me, I have that belief, as what I think, I am not afraid to speak; and what I would speak, I am not afraid to write. And therefore I have thought to commit to letter some matter, whereunto [which] I have been [conceived] led [into the same] by two motives: the one, the consideration of my own estate; the other, the appetite which I have to give your lordship some evidence of the thoughtful and voluntary desire, which is in me, to merit well of your most honourable lordship: which desire in me hath been bred chiefly by the consent I have to your great virtue come in good time to do this state pleasure; and next by your loving courses held towards me, especially in your nomination and enablement of me long since to the solicitor's place, as your lordship best knows. Which your two honourable friendships I esteem so much [in so great sort] as your countenance and favour in my practice, which are somewhat to my poverty; yet I count them not the best [greatest] part of the obligation wherein I stand bound to you.

And now, my lord, I pray you right humbly, that you will vouchsafe your honourable license and patience, that I may express to you, what in a doubtful liberty I have thought fit, partly by way of praying your help, and partly by way of offering my good will; partly again by way of preoccupating your conceit, lest you may in some things mistake.

My estate, to confess a truth to your lordship, is weak and indebted, and needeth comfort; for both my father, though I think I had greatest part in his love to all his children, yet in his wisdom served me in as a last comer; and myself, in mine own industry, have rather referred and aspired to virtue than to gain: whereof, I am not yet wise enough to repent me. But the while, whereas, Solomon speaketh that "want cometh first like a wayfaring man," and after like "an armed man," I must acknowledge to your lordship myself to [be] *in primo gradu*; for it stealeth upon me. But, for the second, that it should not be able to be resisted, I hope in God I am not in that case; for the preventing whereof, as I do depend upon God's providence all in all, so in the same his providence I see opened unto me three not unlikely expectations of help: the one my practice, the other some proceeding in the queen's service, the third [the] place I have in reversion; which, as it standeth now unto me, is but like another man's ground reaching upon my house, which may mend my prospect, but it doth not fill my barn.

For my practice, it presupposeth my health, which, if I should judge of as a man that judgeth of a fair morrow by a fair evening, I might have reason to value well. But, myself having this error of mind, that I am apter to conclude in every thing of change from the present tense than of a continuance, do make no such appointment. Besides, I am not so far deceived in myself but that I know very well, and I think your lordship is *major corde*, and in your wisdom you note it more deeply than I can in myself, that in practising the law, I play not all my best game, which maketh me accept it with a *nisi quod potius*, as the best of my fortune, and a thing agreeable to better gifts than mine, but not to mine.

For my placing, your lordship best knows, that when I was much dejected with her majesty's strange dealing towards me, it pleased you, of your singular favour, so far to comfort and encourage me, as to hold me worthy to be excited to think of succeeding your lordship in your second place;* signifying in your plainness, that

* From the original draught in the library of Queen's College, Oxford, Arch D. 2, the copy of which was communicated to me by Thomas Tyrwhitt, Esq., clerk of the honourable House of Commons Sir William Dugdale, in his Baronage of England, vol ii. p 438, has given two short passages of this letter, transcribed by him from the unpublished original.

* The mastership of the rolls; which office the lord keeper held till the Lord Bruce was advanced to it, May 18, 1603

no man should better content yourself: which your exceeding favour you have not since varied from, both in pleading the like signification into the hands of some of my best friends, and also in an honourable and answerable nomination and commendation of me to her majesty. Wherein I hope your lordship, if it please you to call to mind, did find me neither overweening in presuming too much upon it, nor much deceived in my opinion of the event for the continuing it still in yourself, nor sleepy in doing some good offices to the same purpose.

Now upon this matter I am to make your lordship three humble requests, which had need be very reasonable, coming so many together. First, that your lordship will hold and make good your wishes towards me in your own time, for no other I mean it, and in thankfulness thereof, I will present your lordship with the fairest flower of my estate, though it yet bear no fruit, and that is the poor reversion, which of her majesty's gift I hold; in the which I shall be no less willing Mr. John Egerton,* if it seem good to you, should succeed me in that, than I would be willing to succeed your lordship in the other place.

My next humble request is, that your lordship would believe a protestation, which is, that if there be now against the next term, or hereafter, for a little bought knowledge of the court teacheth me to foresee these things, any heaving or palting at that place upon my honesty and troth, my spirit is not in, nor with it; I for my part, being resolutely resolved not to proceed one pace or degree in this matter but with your lordship's foreknowledge and approbation. The truth of which protestation will best appear, if by any accident, which I look not for, I shall receive any further strength. For, as I now am, your lordship may impute it only to policy alone in me, that being without present hope myself, I would be content the matter sleep.

My third humble petition to your lordship is, that you would believe an intelligence, and not take it for a fiction in court; of which manner I like Cicero's speech well, who, writing to Appius Claudius, saith; *Sin autem quæ tibi ipsi in mentem veniant, ea aliis tribuere soles, inducis genus sermonis in amicitiam minime liberale.* But I do assure your lordship, it is both true and fresh, and from a person of that sort, as having some glimpse of it before, I now rest fully confirmed in it; and it is this, that there should be a plot laid of some strength between Mr. Attorney-General,† and Mr. Attorney of the Wards,* for the one's remove to the rolls, and the other to be drawn to his place. Which, to be plain with your lordship, I do apprehend much. For, first, I know Mr. Attorney-General, whatsoever he pretendeth or protesteth to your lordship, or any other, doth seek it; and I perceive well by his dealing towards his best friends, to whom he oweth most, how perfectly he hath conned the adage of *proximus egomet mihi;* and then I see no man ripened for the place of the rolls in competition with Mr. Attorney-General. And lastly, Mr. Attorney of the Wards being noted for a pregnant and stirring man, the objection of any hurt her majesty's business may receive in her causes by the drawing up of Mr. Attorney-General will wax cold. And yet, nevertheless, if it may please your lordship to pardon me so to say, of the second of those placings I think with some scorn; only I commend the knowledge hereof to your lordship's wisdom, as a matter not to be neglected.

And now, lastly, my honourable good lord, for my third poor help, I account [it] will do me small good, except there be a heave; and that is this place of the Star Chamber. I do confess ingenuously to your lordship, out of my love to the public, besides my particular, that I am of opinion, that rules without examples will do little good, at least not to continue; but that there is such a concordance between the time to come and the time passed, as there will be no reforming the one without informing of the other. And I will not, as the proverb is, spit against the wind, but yield so far to a general opinion, as there was never a more * * or particular example. But I submit it wholly to your honourable grave consideration; only I humbly pray you to conceive that it is not any money that I have borrowed of Mr. Mills, nor any gratification I receive for my aid, that makes me show myself any ways in it, but simply a desire to preserve the rights of the office, as far as is meet and incorrupt; and secondly his importunity, who, nevertheless, as far as I see, taketh a course to bring this matter in question to his farther disadvantage, and to be principal in his own harm. But if it be true that I have heard of more than one or two, that besides this forerunning in taking of fees, there are other deep corruptions, which in an ordinary course are intended to be proved against him; surely, for my part, I am not superstitious, as I will not take any shadow of it, nor labour to stop it, since it is a thing medicinable for the office of the realm. And then, if the place by such an occasion or otherwise should come in possession, the better to testify my affection to your lordship, I shall be glad, as I offered it to your lordship by way of [surrender], so in this case to offer it by way of

* Second son of the lord keeper, whose eldest son, Sir Thomas, knighted at Cadiz upon the taking it in 1596 by the Earl of Essex, died in Ireland, whither he attended that earl in 1599, as Mr. John Egerton likewise did, and was knighted by his lordship, and at the coronation of King James, was made knight of the bath. He succeeded his father in the titles of Baron of Ellesmere and Viscount Brackley, and, on the 17th of May, was created Earl of Bridgewater.

† Coke.

* Probably Sir Thomas Heskett, who died 15th of October, 1605, and has a monument erected to his memory in Westminster Abbey.

joint-patency, in nature of a reversion, which, as it is now, there wanteth no good will in me to offer, but that both, in that condition it is not worth the offering; and, besides, I know not whether my necessity may enforce me to sell it away; which, if it were locked in by any reversion or joint-patency, I were disabled to do for my relief.

Thus your lordship may perceive how assured a persuasion I have of your love towards me, and care of me; which hath made me so freely to communicate of my poor state with your lordship, as I could have done to my honourable father, if he had lived: which I most humbly pray your lordship may be private to yourself, to whom I commit it to be used to such purpose as, in your wisdom and honourable love and favour, should seem good. And so, humbly craving your pardon, I commend your lordship to the divine preservation.

At your lordship's honourable
commandment humbly and particularly.

MR. FRANCIS BACON TO THE EARL OF ESSEX,* ON HIS LORDSHIP'S GOING ON THE EXPEDITION AGAINST CADIZ.

MY SINGULAR GOOD LORD,

I have no other argument to write on to your good lordship, but upon demonstration of my deepest and most bounden duty, in fulness whereof I mourn for your lordship's absence, though I mitigate it as much as I can with the hope of your happy success, the greatest part whereof, be it never so great, will be the safety of your most honourable person; for the which in the first place, and then for the prosperity of your enterprise, I frequently pray. And as in so great discomfort it hath pleased God someways to regard my desolateness, by raising me so great and so worthy a friend in your absence, as the new placed lord keeper,† in whose placing as it hath pleased God to establish mightily one of the chief pillars of this estate, that is, the justice of the land, which began to shake and sink, and for that purpose no doubt gave her majesty strength of heart of herself to do that in six days, which the deepest judgment thought would be the work of many months; so, for my particular, I do find in an extraordinary manner, that his lordship doth succeed my father almost in his fatherly care of me, and love towards me, as much as he professeth to follow him in his honourable and sound courses of justice and estate; of which so special favour, the open and apparent reason I can ascribe to nothing more than the impression, which, upon many conferences of long time used between his lordship and me, he may have received both of your lordship's high love and good opinion towards his lordship, verified in many and singular offices, whereof now the realm, rather than himself, is like to reap the fruit; and also of your singular affection towards me, as a man chosen by you to set forth the excellency of your nature and mind, though with some error of your judgment. Hereof if it may please your lordship to take knowledge to my lord, according to the style of your wonted kindness, your lordship shall do me great contentment. My lord told me he had written to your lordship, and wished with great affection he had been so lucky as to have had two hours' talk with you upon those occasions, which have since fallen out. So, wishing that God may conduct you by the hand pace by pace, I commend you and your actions to his divine providence.

Your lordship's ever deepliest bounden,
FR. BACON.

May 10, 1596

THE EARL OF ESSEX TO MR. FRANCIS BACON.*

SIR,—I have thought the contemplation of the art military harder than the execution. But now I see where the number is great, compounded of sea and land forces, the most *tyrones*, and almost all voluntaries, the officers equal almost in age, quality, and standing in the wars, it is hard for any man to approve himself a good commander. So great is my zeal to omit nothing, and so short my sufficiency to perform all, as, besides my charge, myself doth afflict myself. For I cannot follow the precedents of our dissolute armies, and my helpers are a little amazed with me, when they are come from governing a little troop to a great; and from ———— to all the great spirits of our state. And sometimes I am as much troubled with them, as with all the troops. But though these be warrants for my seldom writing, yet they shall be no excuse for my fainting industry. I have written to my lord keeper and some other friends to have care of you in my absence. And so, commending you to God's happy and heavenly protection, I rest

Your true friend,
ESSEX.

Plymouth, this 17th of May, 1596

MR. FRANCIS BACON TO HIS BROTHER ANTONY.†

GOOD BROTHER,—Yesternight Sir John Fortescu‡ told me he had not many hours before imparted to the queen your advertisements, and

* Among the papers of Antony Bacon, Esq., vol. xi. fol. 69, in the Lambeth Library.

† Egerton.

* Among the papers of Antony Bacon, Esq., vol. xi. fol. 139, in the Lambeth Library.

† Ibid. fol. 29.

‡ Chancellor of the Exchequer.

the gazette likewise; which the queen caused Mr. John Stanhope* to read all over unto her; and her majesty conceiveth they be not vulgar. The advertisements her majesty made estimation of as concurring with other advertisements, and alike concurring also with her opinion of the affairs. So he willed me to return you the queen's thanks. Other particular of any speech from her majesty of yourself he did not relate to me. For my Lord of Essex's and your letters, he said, he was ready and desirous to do his best. But I seemed to make it but a love-wish, and passed presently from it, the rather, because it was late in the night, and I mean to deal with him at some better leisure after another manner, as you shall hereafter understand from me. I do find in the speech of some ladies and the very face of the court some addition of reputation, as methinks to us both; and I doubt not but God hath an operation in it, that will not suffer good endeavours to perish.

The queen saluted me to-day as she went to chapel. I had long speech with Sir Robert Cecil this morning, who seemed apt to discourse with me; yet of yourself, *ne verbum quidem*, not so much as a *quomodo valet?*

This I write to you in haste, *aliud ex alio*, I pray set in a course of acquainting my lord keeper what passeth, at first by me, and after from yourself. I am more and more bound to him.

Thus, wishing you good health, I recommend you to God's happy preservation.

Your entire loving brother,

FR. BACON.

From the court, this 30th of May, [1596.]

THE SUBSTANCE OF A LETTER I† NOW WISH YOUR LORDSHIP‡ SHOULD WRITE TO HER MAJESTY.

THAT you desire her majesty to believe *id, quod res ipsa loquitur*, that it is not conscience to yourself of any advantage her majesty hath towards you, otherwise than the general and infinite advantage of a queen and a mistress; nor any drift or device to win her majesty to any point or particular, that moveth you to send her these lines of your own mind: but first, and principally, gratitude; next a natural desire of, you will not say, the tedious remembrance, for you can hold nothing tedious that hath been derived from her majesty, but the troubled and pensive remembrance of that which is past, of enjoying better times with her majesty, such as others have had, and that you have wanted. You cannot impute the difference to the continuance of time, which addeth nothing to her majesty but increase of virtue, but rather to your own misfortune or errors. Wherein, nevertheless, if it were only question of your own endurances, though any strength never so good may be oppressed, yet you think you should have suffocated them, as you had often done, to the impairing of your health, and weighing down of your mind. But that which, indeed, toucheth the quick is, that whereas you accounted it the choice fruit of yourself to be a contentment and entertainment to her majesty's mind, you found many times to the contrary, that you were rather a disquiet to her, and a distaste.

Again, whereas, in the course of her service, though you confess the weakness of your own judgment, yet true zeal, not misled with any mercenary nor glorious respect, made you light sometimes upon the best and soundest counsels; you had reason to fear, that the distaste particular against yourself made her majesty farther off from accepting any of them from such a hand. So as you seemed, to your deep discomfort, to trouble her majesty's mind, and to foil her business; inconveniences, which, if you be minded as you ought, thankfulness should teach you to redeem, with stepping down, nay, throwing yourself down, from your own fortune. In which intricate case, finding no end of this former course, and, therefore, desirous to find the beginning of a new, you have not whither to resort, but unto the oracle of her majesty's direction. For though the true introduction *ad tempora meliora*, be by an *amnestia* of that which is past, except it be in the sense, that the verse speaketh, *Olim hæc meminisse juvabit*, when tempests past are remembered in the calm; and that you do not doubt of her majesty's goodness in pardoning and obliterating any of your errors and mistakings heretofore; refreshing the memory and contemplations of your poor services, or any thing that hath been grateful to her majesty from you; yea, and somewhat of your sufferings, so, though that be, yet you may be to seek for the time to come. For as you have determined your hope in a good hour not willingly to offend her majesty, either in matter of court or state, but to depend absolutely upon her will and pleasure, so you do more doubt and mistrust your wit and insight in finding her majesty's mind, than your conformities and submission in obeying it; the rather because you cannot but nourish a doubt in your breast, that her majesty, as princes' hearts are inscrutable, hath many times towards you *aliud in ore, et aliud in corde*. So that you, that take her *secundum literam*, go many times farther out of your way.

Therefore, your most humble suit to her majesty is, that she will vouchsafe you that approach to her heart and bosom, *et ad scrinium pectoris*, plainly, for as much as concerneth yourself, to open and expound her mind towards you, suffering you to see clear what may have bred

* Made treasurer of the chamber in July, 1596; and, in May, 1605, created Lord Stanhope of Harrington, in Northamptonshire.

† Francis Bacon. ‡ Robert, Earl of Essex.

any dislike in her majesty; and in what points she would have you reform yourself; and how she would be served by you. Which done, you do assure her majesty, she shall be both at the beginning and the ending of all that you do, of that regard, as you may presume to impart to her majesty.

And so that, hoping that this may be an occasion of some farther serenity from her majesty towards you, you refer the rest to your actions, which may verify what you have written; as that you have written may interpret your actions, and the course you shall hereafter take.

Endorsed by Mr. Francis Bacon,
A letter framed for my Lord of Essex to the queen.

TO SIR JOHN DAVIS, HIS MAJESTY'S ATTORNEY-GENERAL IN IRELAND.*

Mr. Attorney,—I thank you for your letter, and the discourse you sent of this new accident, as things then appeared. I see manifestly the beginning of better or worse: but methinketh it is first a tender of the better, and worse followeth but upon refusal or default. I would have been glad to see you here; but I hope occasion reserveth our meeting for a vacation, when we may have more fruit of conference. To requite your proclamation, which, in my judgment, is wisely and seriously penned, I send you another with us, which happened to be in my hands when yours came. I would be glad to hear often from you, and to be advertised how things pass, whereby to have some occasion to think some good thoughts; though I can do little. At the least it will be a continuance in exercise of our friendship, which on my part remaineth increased by that I hear of your service, and the good respects I find towards myself. And so, in Tormour's haste, I continue

Your very loving friend,
Fr. Bacon.

From Gray's Inn, this 23d of October, 1607.

TO THE REVEREND UNIVERSITY OF OXFORD.†

Amongst the gratulations I have received, none are more welcome and agreeable to me than your letters, wherein, the less I acknowledge of those attributes you give me, the more I must acknowledge of your affection, which bindeth me no less to you, that are professors of learning, than my own dedication doth to learning itself. And, therefore, you have no need to doubt, but I will emulate, as much as in me is, towards you the merits of him that is gone, by how much the more I take myself to have more propriety in the principal motive thereof. And, for the equality you write of, I shall, by the grace of God, as far as may concern me, hold the balance as equally between the two universities, as I shall hold the balance of other justice between party and party. And yet in both cases I must meet with some inclinations of affection, which, nevertheless, shall not carry me aside. And so I commend you to God's goodness.

Your most loving and assured friend,
Fr. Bacon.

Gorhambury, April 12, 1617.

LORD KEEPER BACON TO MR. MAXEY, FELLOW OF TRINITY COLLEGE, CAMBRIDGE.*

After my hearty commendations, I having heard of you, as a man well deserving, and of able gifts to become profitable in the church, and there being fallen within my gift the rectory of Frome St. Quintin, with the chapel of Evershot, in Dorsetshire, which seems to be a thing of good value, eighteen pounds in the king's books, and in a good country, I have thought good to make offer of it to you; the rather for that you are of Trinity College, whereof myself was some time: and my purpose is to make choice of men rather by care and inquiry, than by their own suits and commendatory letters. So I bid you farewell.

From your loving friend,
Fr. Bacon, C. S.

From Dorset House, April 23, 1617.

TO THE LORD KEEPER BACON.†

My Lord,—If your man had been addressed only to me, I should have been careful to have procured him a more speedy despatch: but now you have found another way of address, I am excused; and since you are grown weary of employing me, I can be no otherwise in being employed. In this business of my brother's, that you overtrouble yourself with, I understand from London, by some of my friends, that you have carried yourself with much scorn and neglect both toward myself and friends; which, if it prove true, I blame not you, but myself, who was ever

Your lordship's assured friend,
G. Buckingham.

[July, 1617.]

* From the MS. collections of Robert Stephens, Esq., deceased.

† From the collections of the late Robert Stephens, Esq., Historiographer Royal, and John Locker, Esq., now in possession of the editor.

* From the collections of the late Robert Stephens, Esq.

† Ibid.

TO HENRY CARY, LORD VISCOUNT FALKLAND *

MY VERY GOOD LORD,

Your lordship's letter was the best letter I received this good while, except the last kind letter from my lord of Buckingham, which this confirmeth. It is the best accident, one of them, amongst men, when they hap to be obliged to those whom naturally and personally they love, as I ever did your lordship; in troth not many between my lord marquis and yourself; so that the sparks of my affection shall ever rest quick, under the ashes of my fortune, to do you service: and wishing to your fortune and family all good. Your lordship's most affectionate, and much obliged, &c.

I pray your lordship to present my humble service and thanks to my lord marquis, to whom, when I have a little paused, I purpose to write; as likewise to his majesty, for whose health and happiness, as his true beadsman, I most frequently pray.

Endorsed,

March 11—*Copy of my answer to Lord Falkland.*

SECRETARY CONWAY TO THE LORD VISCOUNT ST. ALBAN †

RIGHT HONOURABLE,

I do so well remember the motives, why I presented you so with my humble service, and particular application of it to your particular use, as I neither forget nor repent the offer. And I must confess a greater quickening could not have been added to my resolution to serve you, than the challenge you lay to my duty, to follow, in his absence, the affection of your most noble and hearty friend the marquis.

I lost no time to deliver your letter, and to contribute the most advantageous arguments I could. It seems your motion had been more than enough, if a former engagement to Sir William Becher upon the marquis his score had not opposed it.

I will give you his majesty's answer, which was, That he could not value you so little, or conceive you would have humbled your desires and your worth so low. That it had been a great deal of ease to him to have had such a scantling of your mind, to which he could never have laid so unequal a measure. His majesty adding further, that since your intentions moved that way, he would study your accommodation. And it is not out of hope, but that he may give some other contentment to Sir William Becher in due time, to accommodate your lordship, of whom, to your comfort, it is my duty to tell you, his majesty declared a good opinion, and princely care and respect.

I will not fail to use time and opportunity to your advantage; and if you can think of any thing to instruct my affection and industry, your lordship may have the more quick and handsome proof of my sure and real intentions to serve you, being indeed your lordship's affectionate servant,

ED. CONWAY.

Royston, March 27, 1623

The five following letters, wanting both date and circumstances to determine such dates, are placed here together.

TO THE LORD TREASURER.*

IT MAY PLEASE YOUR HONOURABLE LORDSHIP,

I account myself much bound to your lordship for your favour shown to Mr. Higgins upon my commendations about Pawlet's wardship; the effect of which your lordship's favour, though it hath been intercepted by my lord deputy's suit, yet the signification remains: and I must in all reason consent and acknowledge, that your lordship had as just and good cause to satisfy my lord deputy's request, as I did think it unlikely, that my lord would have been suitor for so mean a matter.

So this being to none other end but to give your lordship humble thanks for your intended favour, I commend your lordship to the preservation of the divine majesty.

From Gray's Inn

TO SIR FRANCIS VERE †

SIR:—I am to recommend to your favour one Mr. John Ashe, as to serve under you, as agent of your company: whose desire how much I do affect, you may perceive if it be but in this, that myself being no further interested in you, by acquaintance or deserving, yet have intruded myself into this commendation: which, if it shall take place, I shall by so much the more [illegible] nd cause to take it kindly, by how much I find less cause in myself to take upon me the part of a mover commender towards you, whom, nevertheless, I will not so far estrange myself from, but that in a general or mutual respect, incident to persons of our qualities and service, and not without particular inducements of friendship, I might, without breaking decorum, offer to you a request of this nature, the rather honouring you so much for your virtues, I would gladly take occasion to be beholden to you; yet no more gladly than to have occasion to do you any good office. And so, this being to no other end, I commend you to God's goodness.

From my chamber at the

* Appointed Lord Deputy of Ireland, September 8, 1622

† From the collections of Robert Stephens, Esq., deceased.

* From the original draught in the library of Queen's College, Oxford. Arch. D. 2.

† Id. ib.

TO MR. CAWFEILDE.*

SIR,—I made full account to have seen you here this reading, but your neither coming nor sending the interr., as you undertook, I may perceive† of a wonder. And you know *super mirari cœperunt philosophari*. The redemption of both these consisteth in the vouchsafing of your coming up now, as soon as you conveniently can; for now is the time of conference and counsel. Besides, if the course of the court be held *super interrogat. judicis*, then must the interr. be ready ere the commission be sealed; and if the commission proceed not forthwith, then will it be caught hold of for further delay. I will not, by way of admittance, desire you to send, with all speed, the interr., because I presume much of your coming, which I hold necessary; and, accordingly, *pro more amicitiæ*, I desire you earnestly to have regard both of the matter itself, and my so conceiving. And so, &c.

Your friend particularly.

TO MR. TOBIE MATTHEW

GOOD MR. MATTHEW,

The event of the business whereof you write, is, it may be, for the best: for seeing my lord, of himself, beginneth to come about, *quorsum* as yet? I could not in my heart suffer my Lord Digby to go hence without my thanks and acknowledgments. I send my letter open, which I pray seal and deliver. Particulars I would not touch. Your most affectionate

and assured friend,

FR. ST. ALBAN.

TO MY LORD MONTJOYE ‡

MY VERY GOOD LORD,

Finding, by my last going to my lodge at Twickenham, and tossing over my papers, somewhat that I thought might like you, I had neither leisure to perfect them, nor the patience to expect leisure; so desirous I was to make demonstration of my honour and love towards you, and to increase your good love towards me. And I would not have your lordship conceive, though it be my manner and rule to keep state in contemplative matters, *si quis venerit nomine suo, eum recipietis*, that I think so well of the collection as I seem to do: and yet I dare not take too much from it, because I have chosen to dedicate it to you. To be short, it is the honour I can do to you at this time. And so I commend me to your love and honourable friendship.

* From the original draught in the library of Queen's College, Oxford Arch D 2

† Query whether perceive.

‡ From the original draught in the library of Queen's College, Oxford. Arch D. 2

TO THE LORD CHANCELLOR, AND THE LORD MANDEVILLE, LORD TREASURER OF ENGLAND.*

MY HONOURABLE LORDS,

His majesty is pleased, according to your lordships' certificate, to rely upon your judgments, and hath made choice of Sir Robert Lloyd, knight, to be patentee and master of the office of engrossing the transcripts of all wills and inventories in the prerogative courts, during his highness's pleasure, and to be accountable unto his majesty for such profits as shall arise out of the same office. And his majesty's farther pleasure is, that your lordship forthwith proportion and set down, as well a reasonable rate of fees for the subject to pay for engrossing the said transcripts, as also such fees as your lordship shall conceive fit to be allowed to the said patentee for the charge of clerks and ministers for execution of the said office. And to this effect his majesty hath commanded me to signify his pleasure to his solicitor-general,† to prepare a book for his majesty's signature. And so, I bid your lordship heartily well to fare, and remain

Your lordships' very loving friend,

G. BUCKINGHAM

Royston, December 17, 1620.

TO THE REV. UNIVERSITY OF OXFORD ‡

AMONGST the gratulations I have received, none are more welcome and agreeable to me than your letters, wherein, the less I acknowledge of those attributes you give me, the more I must acknowledge of your affection, which bindeth me no less to you, that are professors of learning, than mine own dedication doth to learning itself. And, therefore, you have no need to doubt, but I will emulate (as much as in me is) towards you the merits of him that is gone, by how much the more I take myself to have more propriety in the principal motive thereof. And, for the equality you write of, I shall, by the grace of God, (as far as may concern me,) hold the balance as equally between the two universities, as I shall hold the balance of other justice between party and party.

And yet, in both cases, I must meet with some inclinations of affection, which, nevertheless, shall not carry me aside. And so, I commend you to God's goodness.

Your most loving and assured friend,

FR. BACON.

Gorhambury, April 12, 1617.

* Harl MSS. vol. 7000.

† Sir Thomas Coventry.

‡ This and the following letter are from the collections of the late Robert Stephens, Esq , historiographer royal, and John Locker, Esq., deceased, now in possession of the editor.

TO THE LORD KEEPER BACON.

My Lord,—If your man had been addressed only to me, I should have been careful to have procured him a more speedy despatch; but, now you have found another way of address, I am excused; and since you are grown weary of employing me, I can be no otherwise in being employed. In this business of my brother's, that you over trouble yourself with, I understand from London, by some of my friends, that you have carried yourself with much scorn and neglect, both towards myself and friends; which, if it prove true, I blame not you, but myself, who was ever

Your lordship's assured friend,

G. Buckingham.

July, 1617

SIR FRANCIS BACON TO LORD NORRIS, IN ANSWER TO HIM *

My Lord,—I am sorry of your misfortune, and, for any thing that is within mine own command, your lordship may expect no other than the respects of him that forgetteth not your lordship is to him a near ally, and an ancient acquaintance, client, and friend. For that which may concern my place, which governeth me, and not I it; if any thing be demanded at my hands, or directed, or that I am, *ex officio*, to do any thing; if, I say, it come to any of these three; for, as yet, I am a stranger to the business; yet, saving my duties, which I will never live to violate, your lordship shall find, that I will observe those degrees and limitations of proceeding which belongeth to him that knoweth well he serveth a clement and merciful master, and that, in his own nature, shall ever incline to the more benign part; and that knoweth, also, what belongeth to nobility, and to a house of such merit and reputation as the Lord Norris is come from. And even so I remain

Your lordship's very loving friend.

Sept 20, 1615

SIR FRANCIS BACON TO THE KING †

It may please your excellent Majesty,

According to your majesty's reference signified by Sir Roger Wilbraham, I have considered of the petition of Sir Gilbert Houghton, your majesty's servant, for a license of sole transportation of tallow, butter, and hides, &c., out of your realm of Ireland, and have had conference with the Lord Chichester, late Lord Deputy of Ireland, and likewise with Sir John Davies, your majesty's attorney there. And this is that which I find.

First, That hides and skins may not be meddled withal, being a staple commodity of the kingdom, wherein the towns are principally interested.

That for tallow, butter, beef, not understanding it of live cattle, and pipe-staves, for upon these things we fell, although they were not all contained in the petition, but in respect hides were more worth than all the rest, they were thought of by way of some supply; these commodities are such as the kingdom may well spare, and in that respect fit to be transported; wherein, nevertheless, some consideration may be had of the profit, that shall be taken upon the license. Neither do I find, that the farmers of the customs there, of which some of them were before me, did much stand upon it, but seemed rather to give way to it.

I find, also, that at this time all these commodities are free to be transported by proclamation, so as no profit can be made of it, except there be first a restraint; which restraint I think fitter to be by some prohibition in the letters patents, than by any new proclamation; and the said letters patents to pass rather here than there, as it was in the license of wines granted to the Lady Arabella; but then those letters patents, to be enrolled in the Chancery of Ireland, whereby exemplifications of them may be taken to be sent to the ports.

All which, nevertheless, I submit to your majesty's better judgment.

Your majesty's most humble

bounden subject and servant,

Fr. Bacon.

June 5, 1616

THE LORD CHANCELLOR AND TWO CHIEF JUSTICES* TO THE MARQUIS OF BUCKINGHAM

Our very good Lord,

It may please his majesty to call to mind, that when we gave his majesty our last account of Parliament business in his presence, we went over the grievances of the last Parliament in 7mo,† with our opinion by way of probable conjecture, which of them are like to fall off, and which may perchance stick and be renewed. And we did also then acquaint his majesty, that we thought it no less fit to take into consideration grievances of like nature, which have sprung up since the said last session, which are the more like to be called upon, by how much they are the more fresh, signifying withal, that they were of two kinds; some proclamations and commissions, and many patents; which, nevertheless, we did not trouble his majesty withal in particular; partly, for that we were not then fully prepared, (as being a work of some length,) and partly, for that we then desired and obtained leave of his majesty to

* From the collections of the late Robert Stephens, Esq
† Ibid.

* Sir Henry Montagu, of the King's Bench, and Sir Henry Hobart, of the Common Pleas.
† That which began February 9, 1609, and was prorogued July 23, 1610

communicate them with the council table. But now since, I, the chancellor, received his majesty's pleasure by Secretary Calvert, that we should first present them to his majesty with some advice thereupon provisionally, and as we are capable, and thereupon know his majesty's pleasure before they be brought to the table, which is the work of this despatch.

And hereupon his majesty may be likewise pleased to call to mind, that we then said, and do now also humbly make remonstrance to his majesty, that in this we do not so much express the sense of our own minds or judgments upon the particulars, as we do personate the Lower House, and cast with ourselves what is like to be stirred there. And, therefore, if there be any thing, either in respect of the matter, or the persons, that stands not so well with his majesty's good liking, that his majesty would be graciously pleased not to impute it unto us; and withal to consider, that it is to this good end, that his majesty may either remove such of them, as in his own princely judgment, or with the advice of his council, he shall think fit to be removed; or be the better provided to carry through such of them as he shall think fit to be maintained, in case they should be moved, and so the less surprised.

First, therefore, to begin with the patents, we find three sorts of patents, and those somewhat frequent, since the session of 7mo, which *in* [illegible] we conceive may be most subject to exception [illegible]vance; patents of old debts, patents of concealments, and patents of monopolies, and forfeitures for dispensations of penal laws, together with some other particulars, which fall not so properly under any one head.

In these three heads, we do humbly advise [illegible]l courses to be taken; for the first two, of old debts and concealments, for that they are in a sort legal, though there may be found out some point in law to overthrow them; yet it would be a long business by course of law, and a matter unusual by act of council, to call them in. But that that moves us chiefly, to avoid the questioning them at the council table is, because if they shall be taken away by the king's act, it may let in upon him a flood of suitors for recompense; whereas, if they be taken away at the suit of the Parliament, and a law thereupon made, it frees the king, and leaves him to give recompense only where he shall be pleased to intend grace. Wherefore we conceive the most convenient way will be, if some grave and discreet gentlemen of the country, such as have lost relation to the court, make, at fit times, some modest motion touching the same; and that his majesty would be graciously pleased to permit some law to pass, (for the time past only, no ways touching his majesty's regal power,) to free the subjects from the same; and so his majesty, after due consultation, to give way unto it.

For the third, we do humbly advise, that such of them as his majesty shall give way to have called in, may be questioned before the council table, either as granted contrary to his majesty's book of bounty, or found since to have been abused in the execution, or otherwise by experience discovered to be burdensome to the country.

But herein we shall add this farther humble advice, that it be not done as matter of preparation to a Parliament; but that occasion be taken, partly upon revising of the book of bounty, and partly upon the fresh examples in Sir Henry Yelverton's case of abuse and surreption in obtaining of patents; and likewise, that it be but as a continuance in conformity of the council's former diligence and vigilancy, which hath already stayed and revoked divers patents of like nature, whereof we are ready to show the examples. Thus, we conceive, his majesty shall keep his greatness, and somewhat shall be done in Parliament, and somewhat out of Parliament, as the nature of the subject and business require.

We have sent his majesty herewith a schedule of the particulars of these three kinds; wherein, for the first two, we have set down all that we could at this time discover: but in the latter, we have chosen out but some, that are most in speech, and do most tend, either to the vexation of the common people, or the discountenancing of our gentlemen and justices, the one being the original, the other the representative of the commons.

There being many more of like nature, but not of like weight, nor so much rumoured, which, to take away now in a blaze, will give more scandal, that such things were granted, than thanks, that they be now revoked.

And because all things may appear to his majesty in the true light, we have set down, as well the suitors as the grants, and not only those in whose names the patents were taken, but those whom they concern, as far as comes to our knowledge.

For proclamations and commissions, they are tender things; and we are willing to meddle with them sparingly. For as for such as do but wait upon patents, (wherein his majesty, as we conceived, gave some approbation to have them taken away,) it is better they fall away, by taking away the patent itself, than otherwise; for a proclamation cannot be revoked but by proclamation, which we avoid.

For those commonwealth bills, which his majesty approved to be put in readiness, and some other things, there will be time enough hereafter to give his majesty account, and amongst them, of the extent of his majesty's pardon, which, if his subjects do their part, as we hope they will, we do wish may be more liberal than of later times, a pardon being the ancient remuneration in Parliament.

Thus, hoping his majesty, out of his gracious and accustomed benignity, will accept of our faithful endeavours, and supply the rest by his own princely wisdom and direction; and also humbly praying his majesty, that when he hath himself considered of our humble propositions, he will give us leave to impart them all, or as much as he shall think fit, to the lords of his council, for the better strength of his service, we conclude with our prayers for his majesty's happy preservation, and always rest, &c.

Endorsed,

The lord chancellor and the two chief justices to the king concerning Parliament business.

SIR FRANCIS BACON TO KING JAMES.*

May it please your excellent Majesty,

I perceive by the Bishop of Bath and Wells, that although it seemeth he hath dealt in an effectual manner with Peacham, yet he prevaileth little hitherto; for he hath gotten of him no new names, neither doth Peacham alter in his tale touching Sir John Sydenham.

Peacham standeth off in two material points *de novo.*

The one, he will not yet discover into whose hands he did put his papers touching the consistory villanies. They were not found with the other bundles upon the search; neither did he ever say that he had burned or defaced them. Therefore it is like they are in some person's hands; and it is like again, that that person that he hath trusted with those papers, he likewise trusted with these others of the treasons, I mean with the sight of them.

The other, that he taketh time to answer, when he is asked, whether he heard not from Mr. Paulet some such words, as, he saith, he heard from Sir John Sydenham, or in some lighter manner.

I hold it fit, that myself, and my fellows, go to the Tower, and so I purpose to examine him upon these points, and some others; at least, that the world may take notice that the business is followed as heretofore, and that the stay of the trial is upon farther discovery, according to that we give out.

I think also it were not amiss to make a false fire, as if all things were ready for his going down to his trial, and that he were upon the very point of being carried down, to see what that will work with him.

Lastly, I do think it most necessary, and a point principally to be regarded, that because we live in an age wherein no counsel is kept, and that it is true there is some bruit abroad, that the judges of the King's Bench do doubt of the case, that it should not be treason; that it be given out constantly, and yet as it were a secret, and so a fame to slide, that the doubt was only upon the publication, in that it was never published, for that (if your majesty marketh it) taketh away, or least qualifies the danger of the example; for that will be no man's case.

This is all I can do to thridd your majesty's business with a continual and settled care, turning and returning, not with any thing in the world, save only the occasions themselves, and your majesty's good pleasure.

I had no time to report to your majesty, at your being here, the business referred, touching Mr. John Murray. I find a shrewd ground of a title against your majesty and the patentees of these lands, by the coheir of Thomas, Earl of Northumberland; for I see a fair deed, I find a reasonable consideration for the making the said deed, being for the advancement of his daughters; for that all the possessions of the earldom were entailed upon his brother; I find it was made four years before his rebellion; and I see some probable cause why it hath slept so long. But Mr. Murray's petition speaketh only of the moiety of one of the coheirs, whereunto if your majesty should give way, you might be prejudiced in the other moiety. Therefore, if Mr. Murray can get power of the whole, then it may be safe for your majesty to give way to the trial of the right; when the whole shall be submitted to you.

Mr. Murray is my dear friend; but I must cut even in these things, and so I know he would himself wish no other. God preserve your majesty.

Your majesty's most humble and
devoted subject and servant,
Fr. Bacon.

[Fe]b the 28, 1614

* Sir David Dalrymple's Memorials and Letters, p. 29

TRANSLATION OF A LETTER TO THE COUNT GONDOMAR, AMBASSADOR FROM THE COURT OF SPAIN.

Most illustrious Lord Ambassador,

Your lordship's love to me, both in its warmth and purity, hath, I am well assured, been ever equal and unalterable in prosperity as in adversity; in which regard I offer you the thanks so worthily and justly claimed. Now that at once my age, my fortunes, and my genius, to which I have hitherto done but scanty justice, call me from the stage of active life, I shall devote myself to letters, instruct the actors on it and serve posterity. In such a course I shall, perhaps, find honour. And I shall thus pass my life as within the verge of a better.

God preserve your lordship in safety and prosperity. Your servant,

June 6th, 1621. Fr. St. Alban

TRANSLATION OF A LETTER TO COUNT GONDOMAR.

MOST ILLUSTRIOUS AND EXCELLENT LORD,

I see and acknowledge the divine providence in raising up for me under my utter desertion, such a friend, sent as it were from heaven, who, involved in such great concerns, and with time so very limited, has yet taken an interest in my fortunes, and has effected that for me, which other friends either dared not attempt or could not have obtained.

Your lordship will enjoy the suitable and lasting fruit of such dealing in your own noble character, so prone to all the offices of sympathy and honour. Nor will this, perhaps, be the least among your good deeds, that by your assistance and favour you have raised and strengthened me once one among the living, and who shall not altogether die to posterity. What return can I make? I shall at least ever be yours, if not in useful service, at least in heart and good wishes. The fire of my love for you will remain quick under the ashes of my fortune; wherefore, I most humbly greet you, bid you farewell, wish you all prosperity, call heaven to witness my gratitude, promise all faithful observance.

To the most illustrious and excellent Lord Didacus Sarmiento de Acuna, Count Gondomar, Ambassador Extraordinary of the King of Spain to England.

TRANSLATION OF A LETTER TO COUNT GONDOMAR, THEN IN SPAIN

MOST ILLUSTRIOUS COUNT,

Many things inspire me with confidence, and even with cheerful alacrity, in addressing you at this time on the subject of my fortunes, and entreating your friendly offices. First, and principally, that since so close an alliance between our sovereigns may now be regarded as definitively arranged, you are become so much the more powerful advocate; and I shrink not now from owing all my fortunes to so great a man, though not my own countryman, and from confessing the obligation. Secondly, Since that promise of indulgences which your lordship while in this country obtained for me, has not been succeeded by repulses, nor on the other hand been completely fulfilled, it would seem from this as if the divine providence intended that the work of rescuing me from my misery was to be yours in its end, as in its beginning. Thirdly, because those two stars which have ever been propitious to me, the greater and the less are now shining in your city, and thus by the assisting and benignant rays of your friendship, they may acquire an influence on my fortunes, which shall restore me to a place in the scale of favour, not unbefitting my former elevation. Fourthly, because I learn from the letters you have lately written to my intimate friend, Sir Toby Matthew, that you cherish a lively and warm remembrance of me, which has neither been overwhelmed nor extinguished, under the weight of those high and sublime interests which rest on your lordship. Lastly, too, there is this circumstance that since, by the friendship of the excellent lord marquis, I have been admitted to see and converse with my king, I feel as if I were once more established in favour. The king did not speak to me as a guilty man, but as a man thrown down by a tempest; and withal in his address to me he acknowledged at great length, and, as it seemed, with singular tenderness, my steady and invariable course of industry and integrity. Whence the greater hope springs up within me, that by the continuance of my sovereign's regard, and the extinction of odium by the lapse of time, your excellency's efforts for me will not be made in vain. Meanwhile, I have neither sunk into indolence, nor impertinently mixed myself with affairs, but I live and am absorbed in labours not at all derogatory to the honours I have borne, and which shall perhaps leave no unpleasing memory of my name to posterity. I hope, therefore, that I am no unworthy object, on which to display and signalize at once the influence of your power and friendship: so that it shall be apparent, that you have no less control over the fortunes of a private man, than over public measures. May God preserve your excellency, and crown you with all happiness.

Endorsed,

My Lord St. Alban's first letter to Gondomar into Spain.

March 28th, 1623.

LAW TRACTS.

THE ELEMENTS

OF

THE COMMON LAWS OF ENGLAND,

BRANCHED INTO A DOUBLE TRACT:

CONTAINING A COLLECTION OF SOME PRINCIPAL RULES AND MAXIMS OF THE COMMON LAW, WITH THEIR LATITUDE AND EXTENT;

EXPLICATED FOR THE MORE FACILE INTRODUCTION OF SUCH AS ARE STUDIOUSLY ADDICTED TO THAT NOBLE PROFESSION.

THE OTHER, THE USE OF THE COMMON LAW, FOR THE PRESERVATION OF OUR PERSONS, GOODS, AND GOOD NAMES,

ACCORDING TO THE LAWS AND CUSTOMS OF THIS LAND.

TO HER SACRED MAJESTY.

I do here most humbly present and dedicate to your sacred majesty a sheaf and cluster of fruit of the good and favourable season, which, by the influence of your happy government, we enjoy; for if it be true, that *silent leges inter arma*, it is also as true, that your majesty is, in a double respect, the life of our laws; once, because without your authority they are but *litera mortua*; and again, because you are the life of our peace, without which laws are put to silence. And as the vital spirits do not only maintain and move the body, but also contend to perfect and renew it, so your sacred majesty, who is *anima legis*, doth not only give unto your laws force and vigour, but also hath been careful of their amendment and reforming; wherein your majesty's proceeding may be compared, as in that part of your government, (for if your government be considered in all the parts, it is incomparable,) with the former doings of the most excellent princes that ever have reigned, whose study altogether hath been always to adorn and honour times of peace with the amendment of the policy of their laws. Of this proceeding in Augustus Cæsar the testimony yet remains.

> Pace data terris, animum ad civilia vertit
> Jura suum; legesque tulit justissimus auctor.

Hence was collected the difference between *gesta in armis* and *acta in toga*, whereof he disputeth thus:

Ecquid est, quod tam propriè dici potest actum ejus qui togatus in republica cum potestate imperioque versatus sit quam lex? quære acta Gracchi? leges Sempronii proferantur. Quære Syllæ: Corneliæ? Quid? Cn. Pom. tertius consulatus in quibus actis consistet? nempe in legibus: à Cæsare ipso si quæreres quidnam egisset in urbe, et in toga: leges multas se responderet, et præclaras tulisse. Phil. 1. c. 7.

The same desire long after did spring in the Emperor Justinian, being rightly called *ultimus imperatorum Romanorum*, who, having peace in the heart of his empire, and making his wars prosperously in the remote places of his dominions by his lieutenants, chose it for a monument and honour of his government, to revise the Roman laws, from infinite volumes and much repugnancy, into one competent and uniform corps of law; of which matter himself doth speak gloriously, and yet aptly; calling it, *proprium et sanctissimum templum justitiæ consecratum:* a work of great excellency indeed, as may well appear, in that France, Italy, and Spain, which have long since shaken off the yoke of the Roman empire, do yet, nevertheless, continue to use the policy of that law: but more excellent had the work been, save that the more ignorant and obscure time undertook to correct the more learned and flourishing time. To conclude with the domestical example of one of your majesty's royal ancestors: King Edward I., your majesty's famous progenitor, and the principal lawgiver of

our nation, after he had in his younger years given himself satisfaction in the glory of arms, by the enterprise of the Holy Land, and having inward peace, otherwise than for the invasions which himself made upon Wales and Scotland, parts far distant from the centre of the realm, he bent himself to endow his state with sundry notable and fundamental laws, upon which the government hath ever since principally rested. Of this example, and others like, two reasons may be given; the one, because that kings, which, neither by the moderation of their natures, or the maturity of their years and judgment, do temper their magnanimity with justice, do wisely consider and conceive of the exploits of ambitious wars, as actions rather great than good; and so, distasted with that course of winning honour, they convert their minds rather to do somewhat for the better uniting of human society, than for the dissolving or disturbing of the same. Another reason is, because times of peace, for the most part drawing with them abundance of wealth and finesse of cunning, do draw also, in further consequence, multitude of suits and controversies, and abuses of laws by evasions and devices; which inconveniences in such time growing more general, do more instantly solicit for the amendment of laws to restrain and repress them.

Your majesty's reign having been blest from the Highest with inward peace, and falling into an age wherein, if science be increased, conscience is rather decayed; and if men's wits be great, their wills be greater; and wherein also laws are multiplied in number, and slackened in vigour and execution; it was not possible but that not only suits in law should multiply and increase, whereof a great part are always unjust, but also that all the indirect courses and practices to abuse law and justice should have been much attempted and put in ure, which no doubt had bred greater enormities, had they not, by the royal policy of your majesty, by the censure and foresight of your council table and Star Chamber, and by the gravity and integrity of your benches, been repressed and restrained: for it may be truly observed, that, as concerning frauds in contracts, bargains, and assurances, and abuses of laws by delays, covins, vexations and corruptions in informers, jurors, ministers of justice, and the like, there have been sundry excellent statutes made in your majesty's time, more in number, and more politic in provision, than in any your majesty's predecessors' times.

But I am an unworthy witness to your majesty of a higher intention and project, both by that which was published by your chancellor in full Parliament from your royal mouth, in the five-and-thirtieth of your happy reign; and much more by that which I have been since vouchsafed to understand from your majesty, imparting a purpose for these many years infused into your majesty's breast, to enter into a general amendment of the states of your laws, and to reduce them to more brevity and certainty, that the great hollowness and unsafety in assurances of lands and goods may be strengthened, the swarving penalties, that lie upon many subjects, removed, the execution of many profitable laws revived, the judge better directed in his sentence, the counsellor better warranted in his counsel, the student eased in his reading, the contentious suitor, that seeketh but vexation, disarmed, and the honest suitor, that seeketh but to obtain his right, relieved; which purpose and intention, as it did strike me with great admiration when I heard it, so it might be acknowledged to be one of the most chosen works, and of the highest merit and beneficence towards the subject, that ever entered into the mind of any king; greater than we can imagine, because the imperfections and dangers of the laws are covered under the clemency and excellent temper of your majesty's government. And though there be rare precedents of it in government, as it cometh to pass in things so excellent, there being no precedent full in view but of Justinian; yet I must say, as Cicero said to Cæsar, *Nihil vulgatum te dignum videri potest;* and as it is no doubt a precious seed sown in your majesty's heart by the hand of God's divine majesty, so, I hope, in the maturity of your majesty's own time it will come up and bear fruit. But, to return thence whither I have been carried; observing in your majesty, upon so notable proofs and grounds, this disposition in general of a prudent and royal regard to the amendment of your laws, and having, by my private labour and travel, collected many of the grounds of the common laws, the better to establish and settle a certain sense of law, which doth now too much waver in uncertainty, I conceived the nature of the subject, besides my particular obligation, was such, as I ought not to dedicate the same to any other than to your sacred majesty; both because, though the collection be mine, yet the laws are yours; and because it is your majesty's reign that hath been as a goodly seasonable spring weather to the advancing of all excellent arts of peace. And so, concluding with a prayer answerable to the present argument, which is, that God will continue your majesty's reign in a happy and renowned peace, and that he will guide both your policy and arms to purchase the continuance of it with surety and honour, I must humbly crave pardon, and commend your majesty to the Divine preservation.

Your sacred majesty's most humble and obedient subject and servant,

FRANCIS BACON.

THE PREFACE.

I hold every man a debtor to his profession; from the which, as men of course do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession, when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves free from the abuses wherewith the same profession is noted to be infected; but much more is this performed if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in perfection and substance. Having, therefore, from the beginning, come to the study of the laws of this realm, with a desire no less, if I could attain unto it, that the same laws should be the better for my industry, than that myself should be the better for the knowledge of them; I do not find that, by mine own travel, without the help of authority, I can in any kind confer so profitable an addition unto that science, as by collecting the rules and grounds dispersed throughout the body of the same laws; for hereby no small light will be given in new cases, wherein the authorities do square and vary, to confirm the law, and to make it received one way; and in cases wherein the law is cleared by authority, yet, nevertheless, to see more profoundly into the reason of such judgments and ruled cases, and thereby to make more use of them for the decision of other cases more doubtful; so that the uncertainty of law, which is the principal and most just challenge that is made to the laws of our nation at this time, will, by this new strength laid to the foundation, be somewhat the more settled and corrected. Neither will the use hereof be only in deciding of doubts, and helping soundness of judgment, but further in gracing of argument, in correcting unprofitable subtlety, and reducing the same to a more sound and substantial sense of law; in reclaiming vulgar errors, and generally the amendment in some measure of the very nature and complexion of the whole law: and, therefore, the conclusions of reason of this kind are worthily and aptly called by a great civilian *legum leges*, laws of laws, for that many *placita legum*, that is, particular and positive learnings of laws, do easily decline from a good temper of justice, if they be not rectified and governed by such rules.

Now for the manner of setting down of them, I have in all points, to the best of my understanding and foresight, applied myself not to that which might seem most for the ostentation of mine own wit or knowledge, but to that which may yield most use and profit to the students and professors of our laws.

And, therefore, whereas these rules are some of them ordinary and vulgar, that now serve but for grounds and plain songs to the more shallow and impertinent sort of arguments; other of them are gathered and extracted out of the harmony and congruity of cases, and are such as the wisest and deepest sort of lawyers have in judgment and use, though they be not able many times to express and set them down.

For the former sort, which a man that should rather write to raise a high opinion of himself, than to instruct others, would have omitted, as trite and within every man's compass; yet, nevertheless, I have not affected to neglect them, but have chosen out of them such as I thought good: I have reduced them to a true application, limiting and defining their bounds, that they may not be read upon at large, but restrained to point of difference; for as, both in the law and other sciences, the handling of questions by commonplace, without aim or application, is the weakest; so yet, nevertheless, many common principles and generalities are not to be contemned, if they be well derived and reduced into particulars, and their limits and exclusions duly assigned; for there be two contrary faults and extremities in the debating and sifting out of the law, which may be best noted in two several manner of arguments. Some argue upon general grounds, and come not near the point in question: others, without laying any foundation of a ground or difference, do loosely put cases, which, though they go near the point, yet, being put so scattered, prove not, but rather serve to make the law appear more doubtful than to make it more plain.

Secondly, Whereas some of these rules have a concurrence with the civil Roman law, and some others a diversity, and many times an opposition, such grounds which are common to our law and theirs, I have not affected to disguise into other words than the civilians use, to the end they might seem invented by me, and not borrowed or translated from them: no, but I took hold of it as a matter of great authority and majesty, to see and consider the concordance between the laws penned, and as it were dictated *verbatim*, by the same reason. On the other side, the diversities between the civil Roman rules of law and ours, happening either when there is such an indifferency of reason so

equally balanced, as the one law embraceth one course, and the other the contrary, and both just, after either is once positive and certain, or where the laws vary in regard of accommodating the law to the different considerations of estate, I have not omitted to set down.

Thirdly, Whereas I could have digested these rules into a certain method or order, which, I know, would have been more admired, as that which would have made every particular rule, through coherence and relation unto other rules, seem more cunning and deep, yet I have avoided so to do, because this delivering of knowledge in distinct and disjoined aphorisms doth leave the wit of man more free to turn and toss, and to make use of that which is so delivered to more several purposes and applications; for we see that all the ancient wisdom and science was wont to be delivered in that form, as may be seen by the parables of Solomon, and by the aphorisms of Hippocrates, and the moral verses of Theognes and Phocylides; but chiefly the precedent of the civil law, which hath taken the same course with their rules, did confirm me in my opinion.

Fourthly, Whereas I know very well it would have been more plausible and more current, if the rules, with the expositions of them, had been set down either in Latin or in English; that the harshness of the language might not have disgraced the matter; and that civilians, statesmen, scholars, and other sensible men might not have been barred from them; yet I have forsaken that grace and ornament of them, and only taken this course: the rules themselves I have put in Latin, not purified further than the property of the terms of the law would permit; but Latin, which language I chose, as the briefest to contrive the rules compendiously, the aptest for memory, and of the greatest authority and majesty to be avouched and alleged in argument: and for the expositions and distinctions, I have retained the peculiar language of our law, because it should not be singular among the books of the same science, and because it is most familiar to the students and professors thereof, and because that it is most significant to express conceits of law; and to conclude, it is a language wherein a man shall not be enticed to hunt after words but matter; and for the excluding of any other than professed lawyers, it was better manners to exclude them by the strangeness of the language, than by the obscurity of the conceit; which is as though it had been written in no private and retired language, yet by those that are not lawyers would for the most part not have been understood, or, which is worse, mistaken.

Fifthly, Whereas I might have made more flourish and ostentation of reading, to have vouched the authorities, and sometimes to have enforced or noted upon them, yet I have abstained from that also; and the reason is, because I judged it a matter undue and preposterous to prove rules and maxims; wherein I had the example of Mr. Littleton and Mr. Fitzherbert, whose writings are the institutions of the laws of England; whereof the one forbeareth to vouch any authority altogether; the other never reciteth a book, but when he thinketh the case so weak of credit in itself as it needs a surety; and these two I did far more esteem than Mr. Perkins or Mr. Standford, that have done the contrary. Well will it appear to those that are learned in the laws, that many of the cases are judged cases, either within the books, or of fresh report, and most of them fortified by judged cases and similitude of reason; though, in some few cases, I did intend expressly to weigh down the authority by evidence of reason, and therein rather to correct the law, than either to soothe a received error, or by unprofitable subtlety, which corrupteth the sense of law, to reconcile contrarieties. For these reasons I resolved not to derogate from the authority of the rules, by vouching of any of the authority of the cases, though in mine own copy I had them quoted: for, although the meanness of mine own person may now at first extenuate the authority of this collection, and that every man is adventurous to control; yet, surely, according to Gamaliel's reason, if it be of weight, time will settle and authorize it; if it be light and weak, time will reprove it. So that, to conclude, you have here a work without any glory of affected novelty, or of method, or of language, or of quotations and authorities, dedicated only to use, and submitted only to the censure of the learned, and chiefly of time.

Lastly, There is one point above all the rest I account the most material for making these reasons indeed profitable and instructing; which is, that they be not set down alone, like short, dark oracles, which every man will be content still to allow to be true, but in the mean time they give little light or direction; but I have attended them, a matter not practised, no, not in the civil law, to any purpose, and for want whereof, indeed, the rules are but as proverbs, and many times plain fallacies, with a clear and perspicuous exposition, breaking them into cases, and opening them with distinctions, and sometimes showing the reasons above, whereupon they depend, and the affinity they have with other rules. And though I have thus, with as good discretion and foresight as I could, ordered this work, and, as I might say, without all colours or shows, husbanded it best to profit; yet, nevertheless, not wholly trusting to mine own judgment; having collected three hundred of them, I thought good, before I brought them all into form, to publish some few, that, by the taste of other men's opinions in this first, I might receive either approbation in mine own course, or better advice for the altering of the other which remain; for it is a great reason that that which is intended to the profit of others should be guided by the conceits of others.

THE MAXIMS OF THE LAW.

REGULA I.

In jure non remota causa, sed proxima spectatur.

It were infinite for the law to judge the causes of causes, and their impulsions one of another; therefore, it contenteth itself with the immediate cause, and judgeth of acts by that, without looking to any further degree.

6 H. 8 Dy. fo. 1. et 2.

As if an annuity be granted *pro consilio impenso et impendendo*, and the grantee commit treason, whereby he is imprisoned, so that the grantor cannot have access unto him for his counsel; yet, nevertheless, the annuity is not determined by this *non-feasance*; yet it was the grantee's act and default to commit the treason, whereby the imprisonment grew: but the law looketh not so far, but excuseth him, because the not giving counsel was compulsory, and not voluntary, in regard of the imprisonment.

Litt. cap. discont. 2 H. 4. 3.

So if a parson make a lease, and be deprived, or resign, the successors shall avoid the lease; and yet the cause of deprivation, and more strongly of a resignation, moved from the party himself; but the law regardeth not that, because the admission of the new incumbent is the act of the ordinary.

So if I be seised of an advowson in gross, and a usurpation be had against me, and at the next avoidance I usurp arere, I shall be remitted: and yet the presentation, which is the act remote, is mine own act; but the admission of my clerk, whereby the inheritance is reduced to me, is the act of the ordinary.

5 H. 7. 25.

So if I covenant with I. S. a stranger, in consideration of natural love to my son, to stand seised of the use of the said I. S. to the intent he shall enfeoff my son; by this no use ariseth to I. S. because the law doth respect that there is no immediate consideration between me and I. S.

12 H. 4. 4 H. 8. Dy. f. 1.

So if I be bound to enter into a statute before the mayor of the staple at such a day, for the security of one hundred pounds, and the obligee, before the day, accept of me a lease of a house in satisfaction; this is no plea in debt upon my obligation: and yet the end of that statute was but security of money; but because the entering into this statute itself, which is the immediate act whereto I am bound, is a corporal act which lieth not in satisfaction; therefore, the law taketh no consideration that the remote intent was for money.

M. 40 et 41. El. Julius Winnington's case, or report per le tres reverend Judge, Sur Coke, lib. 2.

So if I make a feoffment in fee, upon condition that the feoffee shall feoff over, and the feoffee be disseised, and a descent cast, and then the feoffee bind himself in a statute, which statute is discharged before the recovery of the land: this is no breach of the condition, because the land was never liable to the statute, and the possibility that it should be liable upon the recovery the law doth not respect.

So if I enfeoff two, upon condition to enfeoff, and one of them take a wife, the condition is not broken; and yet there is a remote possibility that the joint-tenant may die, and then the feme is entitled to dower.

So if a man purchase land in fee-simple, and die without issue; in the first degree the law respecteth dignity of sex, and not proximity; and therefore the remote heir, on the part of the father, shall have it before the near heir on the part of the mother: but, in any degree paramount the first the law respecteth not, and therefore the near heir by the grandmother, on the part of the father, shall have it, before the remote heir of the grandfather on the part of the father.

This rule faileth in covinous acts, which, though they be conveyed through many degrees and reaches, yet the law taketh heed to the corrupt beginning, and counteth all as one entire act.

37 H. Dacre's case, obiter.

As if a feoffment be made of lands held by knight's service to I. S. upon condition that he, within a certain time, shall enfeoff I. D. which feoffment to I. D. shall be to the use of the wife of the first feoffer for her jointure, &c.; this feoffment is within the statute of 32 H. VIII. *nam dolus circuitu non purgatur.*

In like manner this rule holdeth not in criminal acts, except they have a full interruption; because when the intention is matter of substance, and that which the law doth principally behold, there the first motive will be principally regarded, and not the last impulsion.

Op. Cattelyn et autres in case de Stoel.

As if I. S. of malice prepense discharge a pistol at I. D. and miss him, whereupon he throws down his pistol and flies, and I. D. pursueth him to kill him, whereupon he turneth and killeth I. D. with a dagger; if the law should consider

the last impulsive cause, it should say that it was in his own defence: but the law is otherwise, for it is but a pursuance and execution of the first murderous intent.

44 Ed. 3.

But if I. S. had fallen down, his dagger drawn, and I. D. had fallen by haste upon his dagger, there I. D. had been *felo de se*, and I. S. shall go quit.

Also, you may not confound the act with the execution of the act; nor the entire act with the last part, or the consummation of the act.

Lit. cap. de dis.

For if a disseisor enter into religion, the immediate cause is from the party, though the descent be cast in law; but the law doth but execute the act which the party procureth, and therefore the descent shall not bind, *et sic è converso.*

21 Eliz.

If a lease for years be made rendering a rent, and the lessee make a feoffment of part, and the lessor enter, the immediate cause is from the law in respect of tl forfeiture, though the entry be the act of the party; but that is but the pursuance and putting in execution of the title which the law giveth: and therefore the rent or condition shall be apportioned.

24 H. 8. f.
Dy. 21. R

So, in the binding of a right by a descent, you are to consider the whole time from the disseisin to the descent cast; and if, at all times, the person be not privileged, the descent binds.

9 H. 7. 21. 3 et
Dr 143.

And, therefore, if a feme covert be disseised, and the baron dieth, and she taketh a new husband, and then the descent is cast: or if a man that is not *infra quatuor maria*, be disseised, and return into England, and go over sea again, and then a descent is cast, this descent bindeth, because of the *interim* when the persons might have entered; and the law respecteth not the state of the person at the last time of the descent cast, but a continuance from the very disseised to the descent.

4 et 5 P. et M.
Dy. 1??

So if baron and feme be, and they join in a feoffment of the wife s land rendering a rent, and the baron die, and the feme take a new husband before any rent-day, and he accepteth the rent, the feoffment is affirmed for-

REGULA II.

Non potest adduci exceptio ejusdem rei, cujus petitur dissolutio

IT were impertinent and contrary in itself, for the law to allow of a plea in bar of such matter as is to be defeated by the same suit, for it is included: otherwise a man should never come to the end and effect of his suit, but be cut off in the way.

And, therefore, if tenant in tail of a manor, whereunto a villain is regardant, discontinue and die, and the right of the entail descend unto the villain himself, who brings *formedon*, and the discontinuee pleadeth villanage; this is no plea, because the divesting of the manor, which is the intent of the suit, doth include this plea, because it determineth the villanage.

50 E. 3.

So if a tenant in ancient demesne be disseised by the lord, whereby the seigniory is suspended, and the disseisee bring his assize in the court of the lord, frank fee is no plea, because the suit is brought to undo the disseisin, and so to revive the seigniory in ancient demesne.

7 H. 4. 39. 7 H.

So if a man be attainted and executed, and the heir bring error upon the attainder, and corruption of blood by the same attainder be pleaded, to interrupt his conveying in the same writ of error; this is no plea, for then he were without remedy over to reverse the attainder.

So if tenant in tail discontinue for life rendering rent, and the issue brings *formedon*, and the warranty of his ancestor with assets is pleaded against him, and the assets is layed to be no other but his reversion with the rent; this is no plea, because the *formedon*, which is brought to undo this discontinuance, doth inclusively undo this new reversion in fee, with the rent thereunto annexed.

But whether this rule may take place where the matter of the plea is not to be avoided in the same suit, but another suit, is doubtful; and I rather take the law to be, that this rule doth extend to such cases; for otherwise, the party were at a mischief, in respect the exceptions and bars might be pleaded cross, either of them, in the contrary suit; and so, the party altogether prevented and intercepted to come by his right.

So if a man be attainted by two several attainders, and there is error in them both, there is no reason but there should be a remedy open for the heir to reverse those attainders being erroneous, as well if they be twenty as one.

And, therefore, if in a writ of error brought by the heir of one of them, the attainder should be a plea peremptorily; and so again, if in error brought of that other, the former should be a plea; these were to exclude him utterly of his right; and therefore it shall be a good replication to say, that he hath a writ of error depending of that also, and so the court shall proceed: but no judgment shall be given till both pleas be discussed; and if either plea be found without error, there shall be no reversal either of the one or of the other; and if he discontinue either writ, than shall it be no longer a plea; and so of several outlawries in a personal action.

And this seemeth to me more reasonable, than that generally an outlawry or an attainder should be no plea in a writ of error brought upon a diverse outlawry or attainder, as 7 H. IV. and 7 H. VI. seem to hold; for that is a remedy too large for the mischief; for there is no reason but if any

of the outlawries or attainders be indeed without error, but it should be a peremptory plea to the person in a writ of error, as well as in any other action.

But if a man levy a fine *sur conusaunce de droit come ceo que il ad de son done*, and suffer a recovery of the same lands, and there be error in them both, he cannot bring error first of the fine, because, by the recovery, his title of error is discharged and released in law *inclusive* but he must begin with the error upon the recovery, which he may do, because a fine executed barreth no titles that accrue *de puisne temps* after the fine levied, and so restore himself to his title of error upon the fine: but so it is not in the former case of the attainder; for a writ of error to a former attainder is not given away by a second, except it be by express words of an act of Parliament, but only it remaineth a plea to his person while he liveth, and to the conveyance of his heir after his death.

7. R.

But if a man levy a fine where he hath nothing in the land, which inureth by way of conclusion only, and is executory against all purchases and new titles which shall grow to the conusor afterwards, and he purchase the land, and suffer a recovery to the conusee, and in both fine and recovery there is error; this fine is *Janus bifrons*, and will look forwards, and bar him of his writ of error brought of the recovery; and therefore it will come to the reason of the first case of the attainder, that he must reply, that he hath a writ also depending of the fine, and so demand judgment.

To return to our first purpose, like law is it if tenant in tail of two acres make two several discontinuances to several persons for life rendering a rent, and bringeth a *formedon* of both, and in *formedon* brought of white acre the reversion and rent reserved upon black acre is pleaded, and so contrary: I take it to be a good replication, that he hath *formedon* also upon that depending, whereunto the tenant hath pleaded the descent of the reversion of white acre; and so neither shall be a bar: and yet there is no doubt but if in a *formedon* the warranty of tenant in tail with assets be pleaded, it is no replication for the issue to say, that a *præcipe* dependeth brought by I. S. to evict the assets.

16 E. 3. F. 7. a. c. 15.

But the former case standeth upon the particular reason before mentioned.

REGULA III.

Verba fortius accipiuntur contra proferentem.

This rule, that a man's deeds and his words shall be taken strongliest against himself, though it be one of the most common grounds of the law, it is notwithstanding a rule drawn out of the depth of reason; for, first, it is a schoolmaster of wisdom and diligence in making men watchful in their own business; next, it is the author of much quiet and certainty, and that in two sorts; first, because it favoureth acts and conveyances executed, taking them still beneficially for the grantees and possessors: and secondly, because it makes an end of many questions and doubts about construction of words; for if the labour were only to pick out the intention of the parties, every judge would have a several sense; whereas this rule doth give them a sway to take the law more certainly one way.

But this rule, as all other which are very general, is but a sound in the air, and cometh in sometimes to help and make up other reasons without any great instruction or direction; except it be duly conceived in point of difference, where it taketh place, and where not. And first we will examine it in grants, and then in pleadings.

The force of this rule is in three things, in ambiguity of words, in implication of matter, and deducing or qualifying the exposition of such grants as were against the law, if they were taken according to their words.

And, therefore, if I. S. submit himself to abitrement of all actions and suits between him and I. D. and I. N. it rests ambiguous whether this submission shall be intended *collective* of joint actions only, or *distributive* of several actions also; but because the words shall be strongliest taken against I. S. that speaks them, it shall be understood of both: for if I. S. had submitted himself to abitrement of all actions and suits which he hath now depending, except it be such as are between him and I. D. and I. N. now it shall be understood *collective* only of joint actions, because in the other case large construction was hardest against him that speaks, and in this case strict construction is hardest.

3 R. 3. 18. 21 H. 7. 28.

So if I grant ten pounds rent to baron and feme, and if the baron die that the feme shall have three pounds rent, because these words rest ambiguous whether I intend three pounds by way of increase, or three pounds by way of restraint and abatement of the former rent of ten pounds, it shall be taken strongliest against me that am the grantor, that is three pounds addition to the ten pounds: but if I had let lands to baron and feme for three lives, reserving ten pounds per annum, and, if the baron die, reserving three pounds; this shall be taken contrary to the former case, to abridge my rent only to three pounds.

8 Ass. p. 10.

So if I demise *omnes boscos meos in villa de Dale* for years, this passeth the soil; but if I demise all my lands in Dale *exceptis boscis*, this extendeth to the trees only, and not to the soil.

14 H. 8. 28 H. 8. Dy. 19.

So if I sow my land with corn, and let it for years, the corn passeth to the lessee, if I except it not; but if I make a lease for life to I. S. upon condition that upon request he shall make me a

lease for years, and I. S. sow the ground, and then I make request, I. S. may well make me a lease excepting his corn, and not break the condition.

8 H 7. 8 H. 6. 6 12 H 6 24. 28 H 8 Dy.30.6.

So if I have free warren in my own land, and let my land for life, not mentioning the warren, yet the lessee, by implication, shall have the warren discharged and extract during his lease: but if I let the land *una cum libera warrena*, excepting white acre, there the warren is not by implication reserved unto me either to be enjoyed or extinguished; but the lessee shall have warren against me in white acre.

29 Ass. pl. 10.

So if I. S. hold of me by fealty and rent only, and I grant the rent, not speaking of the fealty; yet the fealty by implication shall pass, because my grant shall be taken strongly as of a rent service, and not of a rent secke.

44 Ed 3. 19

Otherwise had it been if the seigniory had been by homage, fealty, and rent, because of the dignity of the service, which could not have passed by intendment by the grant of the rent: but if I be seised of the manor of Dale in fee, whereof I. S. holds by fealty and rent, and I grant the manor, excepting the rent, the fealty shall pass to the grantee, and I. S. shall have but a rent secke.

26 Ass. pl 66.

So in grants against the law, if I give land to I. S. and his heirs males, this is a good fee-simple, which is a larger estate than the words seem to intend, and the word "males" is void. But if I make a gift in tail, reserving rent to me and the heirs of my body, the words "of my body" are not void, and to leave it rent in fee-simple; but the words "heirs and all" are void, and leave it but a rent for life: except, that you will say, it is but a limitation to any my heir in fee-simple which shall be heir of my body; for it cannot be rent in tail by reservation.

45 Ed. 3 290. 24 H *

But if I give land with my daughter in frank marriage, the remainder to I. S. and his heirs, this grant cannot be good in all parts, according to the words: for it is incident to the nature of a gift in frank marriage, that the donee hold of the donor; and therefore my deed shall be taken so strongly against myself, that rather than the remainder shall be void, the frank marriage, though it be first placed in the deed, shall be void as a frank marriage.

But if I give land in frank marriage, reserving to me and my heirs ten pounds rent, now the frank marriage stands good, and the reservation is void, because it is a limitation of a benefit to myself, and not to a stranger.

* Quære car le ley sémble dél le contrary en tant que in grant quant lun part del fait ne poit estoier oue lauter le de serra void, autermeut in un devise et accordant fuit lopin Sur Anderson et Owen Just: contra Walmesley Just P 40. Eliz. In le case de Comtesse de Warwick et Sur Barkley in com. banco.

So if I let white acre, black acre, and green acre to I. S. excepting white acre, this exception is void, because it is repugnant; but if I let the three acres aforesaid, rendering twenty shillings rent, viz. for white acre ten shillings, and for black acre ten shillings, I shal not distrain at all in green acre, but that shall be discharged of my rent.

4 H 6. 22 26 Ass. pl. 66. 46 E. 3. 18.

So if I grant a rent to I. S. and his heirs out of my manor of Dale, *et obligo manerium prædictum et omnia bona et catalla mea super manerium prædictum existentia ad distringendum per ballivos domini regis*: this limitation of the distress to the king's bailiffs is void, and it is good to give a power of distress to I. S. the grantee, and his bailiffs.

2 Ed. 4 5.

But if I give land in tail *tenendo de capitalibus dominis per redditum viginti solidorum per fidelitatem*: this limitation of tenure to the lord is void; and it shall not be good, as in the other case, to make a reservation of twenty shillings good unto myself; but it shall be utterly void, as if no reservation at all had been made: and if the truth be that I, that am the donor, hold of the lord paramount by ten shillings only, then there shall be ten shillings only reserved upon the gift in tail as for ovelty.

21 Ed 3. 19 31 et 32 H 8 Dyer 46 Plow fo 37. 35 H. 6. 34.

So if I give land to I. S. and the heirs of his body, and for default of such issue *quod tenementum prædictum revertatur ad I. N.* yet these words of reservation will carry a remainder to a stranger. But if I let white acre to I. S. excepting ten shillings rent, these words of exception to mine own benefit shall never inure to words of reservation.

But now it is to be noted, that this rule is the last to be resorted to, and is never to be relied upon but where all other rules of exposition of words fail; and if any other rule come in place, this giveth place. And that is a point worthy to be observed generally in the rules of the law, that when they encounter and cross one another in any case, it be understood which the law holdeth worthier, and to be preferred; and it is in this particular very notable to consider, that this being a rule of some strictness and rigour, doth not, as it were, his office, but in absence of other rules which are of more equity and humanity; which rules you shall find afterwards set down with their expositions and limitations.

But now to give a taste of them to this present purpose: it is a rule, that general words shall never be stretched too far in intendment, which the civilians utter thus: *Verba generalia restringuntur ad habilitatem personæ, vel ad aptitudinem rei.*

14 Ass pl 21.

Therefore, if a man grant to another, common *intra metas et bundas villæ de Dale*, and part of the ville is his several, and part is his waste and common; the grantee shall not have

common in the several; and yet that is the strongest exposition against the grantor.

Lit. cap. cond.

So it is a rule, *Verba ita sunt intelligenda, ut res magis valeat, quam pereat:* and therefore if I give land to I. S. and his heirs, *reddendo quinque libras annuatim* to I. D. and his heirs, this implies a condition to me that am the grantor; yet it were a stronger exposition against me, to say the limitation should be void, and the feoffment absolute.

10 El. 4. 1.

So it is a rule, that the law will not intend a wrong, which the civilians utter thus: *Ea est accipienda interpretatio, quæ vitio caret.* And therefore if the executors of I. S. grant *omnia bona et catalla sua*, the goods which they have as executors will not pass, because *non constat* whether it may not be a devastation, and so a wrong; and yet against the trespasser that taketh them out of their hand, they shall declare *quod bona sua cepit.*

So it is a rule, words are to be understood that they work somewhat, and be not idle and frivolous: *Verba aliquid operari debent, verba cum effectu sunt accipienda.* And, therefore, if I buy and sell you four parts of my manor of Dale, and say not in how many parts to be divided, this shall be construed four parts of five, and not of six nor seven, &c., because that it is the strongest against me; but on the other side, it shall not be intended four parts of four parts, that is whole of four quarters; and yet that were strongest of all, but then the words were idle and of none effect.

3 H. 6. 20.

So it is a rule, *Divinatio non interpretatio est, quæ omnino recedit a litera:* and therefore if I have a fee farm-rent issuing out of white acre of ten shillings, and I reciting the same reservation do grant to I. S. the rent of five shillings *percipiend' de reddit' prædict' et de omnibus terris et tenementis meis in Dale*, with a clause of distress, although there be atturnement, yet nothing passeth out of my former rent; and yet that were strongest against me to have it a double rent, or grant of part of that rent with an enlargement of a distress in the other land, but for that it is against the words, because *copulatio verborum inclinat exceptionem in eodem sensu*, and the word *de, anglice* out of, may be taken in two senses, that is, either as a greater sum out of a less, or as a charge out of land, or other principal interest; and that the coupling of it with lands and tenements, *viz.*, I reciting that I am seized of such a rent of ten shillings, do grant five shillings *percipiend' de eodem reddit'*, it is good enough without atturnement; because *percipiend' de, etc.* may well be taken for *parcella de, etc.* without violence to the words; but if it had been *percipiend' de*, I. S. without saying *de redditibus prædict'*, although I. S. be the person that payeth me the foresaid rent of ten shillings, yet it is void; and so it is of all other rules of exposition of grants, when they meet in opposition with this rule, they are preferred.

Now to examine this rule in pleadings as we have done in grants, you shall find that in all imperfections of pleadings, whether it be in ambiguity of words and double intendments, or want of certainty and averments, the plea shall be strictly and strongly against him that pleads.

22 H. 6. 43.

For ambiguity of words, if in a writ of entry upon a disseisin, the tenant pleads jointenancy with I. S. of the gift and feoffment of I. D. judgment *de briefe*, the demandant saith that long time before I. D. any thing had, the demandant himself was seised in fee *quousque prædict' I. D. super possessionem ejus intravit*, and made a joint feoffment, whereupon he the demandant re-entered, and so was seised until by the defendant alone he was disseised; this is no plea, because the word *intravit* may be understood either of a lawful entry, or of a tortious; and the hardest against him shall be taken, which is, that it was a lawful entry; therefore he should have alleged precisely that I. D. *disseisivit.*

3 Ed. 6. Dy. 66.

So upon ambiguity that grows by reference, if an action of debt be brought against I. N. and I. P. sheriffs of London, upon an escape, and the plaintiff doth declare upon an execution by force of a recovery in the prison of Ludgate *sub custodia* I. S. *et* I. D. then sheriffs in 1 K. H. VIII. and that he so continued *sub custodia* I. B. *et* I. G. in 2 K. H. VIII. and so continued *sub custodia* I. N. *et* I. L. in 3. K. H. VIII. and then was suffered to escape; I. N. and I. L. plead that before the escape, supposed at such a day *anno superius in narratione specificato*, the said I. D. and I. S. *ad tunc vicecomites* suffered him to escape; this is no good plea, because there be three years specified in the declaration, and it shall be hardest taken that it was 1 or 3 H. VIII. when they were out of office; and yet it is nearly induced by the *ad tunc vicecomites*, which should leave the intendment to be of that year in which the declaration supposeth that they were sheriffs; but that sufficeth not, but the year must be alleged in fact, for it may be it was mislaid by the plaintiff, and therefore the defendants meaning to discharge themselves by a former escape, which was not in their time, must allege it precisely.

26 H. 8.

For incertainty of intendment, if a warranty collateral be pleaded in bar, and the plaintiff by replication, to avoid warranty, saith, that he entered upon the possession of the defendant, *non constat* whether this entry was in the life of the ancestor, or after the warranty attached; and therefore it shall be taken in hardest sense, that it was after the warranty descended, if it be not otherwise averred.

38 H. 6. 18.
39 H. 6. 5.

For impropriety of words, if a man plead that his ancestors died by protestation seised, and that I. S. abated, &c., this is no plea, for there can be no abatement except there be a dying seised alleged in fact; and an

abatement shall not be improperly taken for disseisin in pleading, *car parols sont pleas.*

9 R. Dy. fo. 256. For repugnancy, if a man in avowry declare that he was seised in his demesne as of fee of white acre, and being so seised did demise the same white acre to I. S. *habendum* the moiety for twenty-one years from the date of the deed, the other moiety from the surrender, expiration, or determination of the estate of I. D. *qui tenet prædict' medietatem ad terminum vitæ suæ reddend'* 40s. rent: this declaration is insufficient, because the seisin that he hath alleged in himself in his demesne as of fee in the whole, and the state for life of a moiety, are repugnant; and it shall not be cured by taking the last, which is expressed to control the former, which is but general and formal; but the plea is naught, and yet the matter in law had been good to have entitled to have distrained for the whole rent.

But the same restraint follows this rule in pleading that was before noted in grants: for if the case be such as falleth within another rule of pleadings, then this rule may not be urged.

9 Ed. 4. 4 Ed. 6. Plow. And therefore it is a rule that a bar is good to a common intent, though not to every intent. As if a debt be brought against five executors, and three of them make default, and two appear and plead in bar a recovery had against them two of three hundred pounds, and nothing in their hands over and above that sum: if this bar should be taken strongliest against them, it should be intended that they might have abated the first suit, because the other three were not named, and so the recovery not duly had against them; but because of this other rule the bar is good: for that the more common intent will say, that they two did only administer, and so the action well considered; rather than to imagine, that they would have lost the benefit and advantage of abating the writ.

So there is another rule, that in pleading a man shall not disclose that which is against himself: and therefore if it be a matter that is to be set forth on the other side, then the plea shall not be taken in the hardest sense, but in the most beneficial, and to be left unto the contrary party to allege.

28 H. 8. Dy. fo. 17. And, therefore, if a man be bound in an obligation, that if the feme of the obligee do decease before the feast of St. John the Baptist, which shall be in the year of our Lord God 1598, without issue of her body by her husband lawfully begotten then living, that then the bond shall be void; and in debt brought upon this obligation the defendant pleads that the feme died before the said feast without issue of her body then living: if this plea should be taken strongliest against the defendant, then should it be taken that the feme had issue at the time of her death, but this issue died before the feast; but that shall not be so understood, because it makes against the defendant, and it is to be brought in on the plaintiff's side, and that without traverse.

30 E. 3. So if in a detinue brought by a feme against the executors of her husband for her reasonable part of the goods of her husband, and her demand is of a moiety, and she declares upon the custom of the realm, by which the feme is to have a moiety, if there be no issue between her and her husband, and the third part if there be issue had, and declareth that her husband died without issue had between them; if this count should be hardliest construed against the party, it should be intended that her husband had issue by another wife, though not by her, in which case the feme is but to have the third part likewise; but that shall not be so intended, because it is a matter of reply to be showed of the other side.

And so it is of all other rules of pleadings, these being sufficient not only for the exact expounding of these other rules, but *obiter* to show how this rule which we handle is put by when it meets with any other rule.

As for acts of Parliament, verdicts, judgments, &c. which are not words of parties, in them this rule hath no place at all, neither in devises and wills, upon several reasons; but more especially it is to be noted, that in evidence it hath no place, which yet seems to have some affinity with pleadings, especially when demurrer is joined upon the evidence.

13. Eliz. P. 412. And, therefore, if land be given by will by H. C. to his son I. C. and the heirs males of his body begotten; the remainder to F. C. and the heirs males of his body begotten: the remainder to the heirs males of the body of the devisor: the remainder to his daughter S. C. and the heirs of her body, with a clause of perpetuity; and the question comes upon the point of forfeiture in an assize taken by default, and evidence is given, and demurrer upon evidence, and in the evidence given to maintain the entry of the daughter upon a forfeiture, it is not set forth nor averred that the devisor had no other issue male, yet the evidence is good enough, and it shall be so intended; and the reason thereof cannot be, because a jury may take knowledge of matters not within the evidence; and the court contrariwise cannot take knowledge of any matter not within the pleas; for it is clear that if the evidence had been altogether remote, and not proving the issue, there although the jury might find it, yet a demurrer might well be taken upon the evidence.

But if I take the reason of difference to be between pleadings, which are but openings of the case, and evidences which are the proofs of an issue; for pleadings being but to open the verity of the matter in fact indifferently on both parts have no scope and conclusion to direct the construction and intendment of them, and therefore

must be certain; but in evidence and proofs the issue, which is the state of the question and conclusion, shall incline and apply all the proofs as tending to that conclusion.

Another reason is, that pleadings must be certain, because the adverse party may know whereto to answer, or else he were at a mischief, which mischief is remedied by a demurrer; but in evidence if it be short, impertinent, or uncertain, the adverse party is at no mischief, because it is to be thought that the jury will pass against him; yet, nevertheless, because the jury is not compellable to supply the defect of evidence out of their own knowledge, though it be in their liberty so to do; therefore the law alloweth a demurrer upon evidence also.

REGULA IV.

Quod sub certa forma concessum vel [illegible]ratum est non trahitur ad valorem vel compensationem.

The law permitteth every man to part with his own interest, and to qualify his own grant, as it pleaseth himself; and, therefore, doth not admit any allowance or recompense, if the thing be not taken as it is granted.

So in all profits *a prendre*, if I grant common for ten beasts, or ten loads of [illegible]od out of [illegible] coppice, or ten loads of hay out of my meads, to be taken for three years; he shall not [illegible] common for thirty beasts, or thirty loads of wood or hay, the third year, if he forbear for [illegible] sp[illegible] of two years; here the time is certain and [illegible]

So if the place be limited, or if I grant estovers to be spent in such a house, or stone towards the reparation of such a castle; although the grantee do burn of his fuel and repair of his own charge, yet he can demand no allowance for that he took it not.

So if the kind be specified, as if I let my park reserving to myself all the deer and sufficient pasture for them, if I do decay the game, whereby there is no deer, I shall not have quantity of pasture answerable to the feed of so many deer as were upo[illegible] ground when I let it; but am without any remedy, except I will replenish the ground again with deer.

But it may be thought that the reason of these cases is the default and laches of the grantor, which is not so.

For put the case that the house where the estovers should be spent be overthrown by the act of God, as by tempest, or burnt by the enemies of the king, yet there is no recompense to be made.

And in the strongest case, where it is in default of the grantor, yet he shall make void his own grant rather than the certain form of it should be wrested to an equity or valuation.

5 H. 6. 36.

As if I grant common *ubicunque averia mea ierint*, the commoner cannot otherwise entitle himself, except that he aver that in such grounds my beasts have gone and fed; and if I never put in any, but occupy my grounds otherwise, he is without remedy; but if I put in, and after by poverty or otherwise desist, yet the commoner may continue; contrariwise, if the words of the grant had been *quandocunque averia mea ierint*, for there it depends continually upon the putting in of my beasts, or at least the general seasons when I put them in, not upon every hour or moment.

But if I grant *tertiam advocationem* to I. S. if he neglect to take his turn *ea vice*, he is without remedy: but if my wife be before entitled to dower, and I die, then my heir shall have two presentments, and my wife the third, and my grantee shall have the fourth; and it doth not impugn this rule at all, because the grant shall receive that construction at the first that it was intended such an avoidance as may be taken and enjoyed; as if I grant *proximam advocationem* to I. D. and then grant *proximam advocationem* to I. S. this shall be intended the next to the next, which I may lawfully grant or dispose. *Quære.*

29 H. 8. Dy. 38

But if I grant *proximam advocationem* to I. S. and I. N. is incumbent, and I grant by precise words, *illam advocationem, quam post mortem, resignationem translationem vel deprivationem I. N. immediate fore contigerit*; now this grant is merely void, because I had granted that before, and it cannot be taken against the words.

REGULA V.

Necessitas inducit privilegium quoad jura privata.

The law chargeth no man with default where the act is compulsory and not voluntary, and where there is not a consent and election; and, therefore, if either there be an impossibility for a man to do otherwise, or so great a perturbation of the judgment and reason as in presumption of law man's nature cannot overcome, such necessity carrieth a privilege in itself.

1 Ed. 6 cond.

Ne[illegible]ity [illegible] three sorts, necessity of conservation of life, necessity of obedience, and necessity of the act of God, or a stranger.

First, for conservation of life: if a man steal viands to satisfy his present hunger, this is no felony nor larceny.

Stamf.

So if divers be in danger of drowning by the casting away of some boat or bark, and one of them get to some plank, or on the boat's side to keep himself above water, and another to save his life thrust him from it, whereby he is drowned; this is neither *se defendendo* nor by misadventure, but justifiable.

So if divers felons be in gaol, and the gaol by casualty is set on fire, whereby the prisoners get forth; this is no escape, nor breaking of prison.

Con. 13 per Brooke. 15 H. 7. 2 per Keble. 14 H. 7. 29. per Read.

So upon the statute, that every merchant that setteth his merchandise on land without satisfying the customer or agreeing for it, which agreement is construed to be in certainty, shall forfeit his merchandise, and it is so that, by tempest, a great quantity of the merchandise is cast overboard, whereby the merchant agrees with the customer by estimation, which falleth out short of the truth, yet the over quantity is not forfeited; where note, that necessity dispenseth with the direct letter of a statute law.

4 Ed. 6. pl. condition. 4 Ed. 6. 20. condition.

So if a man have right to land, and do not make his entry for terror of force, the law allows him a continual claim, which shall be as beneficial to him as an entry; so shall a man save his default of appearance by *crestine de eau*, and avoid his debt by *duresse*, whereof you shall find proper cases elsewhere.

Lit pl. 4. 19. 12 H. 4. 20. 14 H. 4. 30. B. 38 H. 6. 11.

28 H. 6. 8. 39 H. 6. 50.

The second necessity is of obedience; and, therefore, where baron and feme commit a felony, the feme can neither be principal nor accessory; because the law intends her to have no will, in regard of the subjection and obedience she owes to her husband.

Stamf. 26. 2. Ed. 3. 160. Cor. Fitzh.

So one reason amongst others why ambassadors are used to be excused of practices against the state where they reside, except it be in point of conspiracy, which is against the law of nations and society, is, because *non constat* whether they have it in *mandatis*, and then they are excused by necessity of obedience.

So if a warrant or precept come from the king to fell wood upon the ground whereof I am tenant for life or for years, I am excused in waste.

B. 42 Ed. 3. 6.

The third necessity is of the act of God, or of a stranger; as if I be particular tenant for years of a house, and it be overthrown by grand tempest or thunder and lightning, or by sudden floods, or by invasion of enemies, or if I have belonging unto it some cottage which hath been infected, whereby I can procure none to inhabit them, no workmen to repair them, and so they fall down; in all these cases I am excused in waste: but of this last learning, when and how the act of God and strangers do excuse, there be other particular rules.

B. Wast. 31. 42 E. 3. 6. 19 Ed. 3. per Fitzh. Wast 30. 32 E. 3. Fitzh. Wast 105. 44 Ed. 3. 21.

But then it is to be noted, that necessity privilegeth only *quoad jura privata*, for, in all cases, if the act that should deliver a man out of the necessity be against the commonwealth, necessity excuseth not; for *privilegium non valet contra rempublicam*: and as another saith, *necessitas publica major est quam privata*: for death is the last and farthest point of particular necessity, and the law imposeth it upon every subject, that he prefer the urgent service of his prince and country before the safety of his life: as if in danger of tempest those that are in a ship throw over other men's goods, they are not answerable; but if a man be commanded to bring ordnance or munition to relieve any of the king's towns that are distressed, then he cannot for any danger of tempest justify the throwing of them overboard; for there it holdeth which was spoken by the Roman, when he alleged the same necessity of weather to hold him from embarking, *necesse est ut eam, non ut vivam*. So in the case put before the husband and wife, if they join in committing treason, the necessity of obedience doth not excuse the offence as it doth in felony, because it is against the commonwealth.

So if a fire be taken in a street, I may justify the pulling down of the wall or house of another man to save the row from the spreading of the fire; but if I be assailed in my house, in a city or town, and distressed, and to save my life I set fire on mine own house, which spreadeth and taketh hold upon other houses adjoining, this is not justifiable, but I am subject to their action upon the case, because I cannot rescue mine own life by doing any thing which is against the commonwealth: but if it had been but a private trespass, as the going over another's ground, or the breaking of his enclosure when I am pursued, for the safeguard of my life, it is justifiable.

13 H. 8. 16. per Shelly.

12 H. 8. 10. per Brooke. 22 Ass. pl. 56. 6 E. 4. 7. per Sares.

This rule admitteth an exception when the law intendeth some fault or wrong in the party that hath brought himself into the necessity; so that it is *necessitas culpabilis*. This I take to be the chief reason why *seipsum defendendo* is not matter of justification, because the law intends it hath a commencement upon an unlawful cause, because quarrels are not presumed to grow without some wrongs either in words or deeds on either part, and the law that thinketh it a thing hardly triable in whose default the quarrel began, supposeth the party that kills another in his own defence not to be without malice; and therefore as it doth not touch him in the highest degree, so it putteth him to sue out his pardon of course, and furnisheth him by forfeiture of goods: for where there cannot be any malice or wrong presumed, as where a man assails me to rob me, and I kill him that assaileth me; or if a woman kill him that assaileth her to ravish her, it is justifiable without any pardon.

4 H. 7. 2. Stamford, 21. qu. 15.

So the common case proveth this exception, that is, if a madman commit a felony, he shall not lose his life for it, because his infirmity came by the act of God: but if a drunken man commit a felony, he shall not be excused, because his imperfection came by his own default; for the reason and loss of deprivation of will and election by necessity and by infirmity is all one, for the lack of *arbitrium solutum*

21 H. 7. 13. Stamf. 16.

is the matter: and therefore as *infirmitas culpabilis* excuseth not, no more doth *necessitas culpabilis.*

REGULA VI.

Corporalis injuria non recipit æstimationem de futuro.

The law, in many cases that concern lands or goods, doth deprive a man of his present remedy, and turneth him over to a further circuit of remedy, rather than to suffer an inconvenience: but if it be question of personal pain, the law will not compel him to sustain it and expect remedy, because it holdeth no damage a sufficient recompense for a wrong which is corporal.

As if the sheriff make a false return that I am summoned, whereby I lose my land; yet because of the inconvenience of drawing all things to incertainty and delay, if the sheriff's return should not be credited, I am excluded of my averment against it, and am put to mine action of deceit against the sheriff and summoners; but if the sheriff upon a *capias* return a *cepi corpus et quod est languidus in prisona*, there I may come in and falsify the return of the sheriff to save my imprisonment. 5 Ed. 4. 80. 7 H. 6. 3.

So if a man menace me in my goods, and that he will burn certain evidences of my land which he hath in his hand, if I will not make unto him a bond, yet if I enter into bond by this terror, I cannot avoid it by plea, because the law holdeth it an inconvenience to avoid a specialty by such matter of averment; and therefore I am put to mine action against such a menacer: but if he restrain my person, or threaten me with a battery, or with the burning of my house, which is a safety and protection to my person, or with burning an instrument of manumission, which is an evidence of my enfranchisement; if upon such menace or duresse I make a deed, I shall avoid it by plea. 7 Ed. 4. 21.

So if a trespasser drive away my beasts over another's ground, I pursue them to rescue them, yet am I a trespasser to the stranger upon whose ground I came: but if a man assail my person, and I fly over another's ground, now am I no trespasser. 13 H. 8. 15. 21 H. 7. 28.

This ground some of the canonists do aptly infer out of Christ's sacred mouth, *Amen, est corpus supra vestimentum*, where they say *vestimentum* comprehendeth all outward things appertaining to a man's condition, as lands and goods, which, they say, are not in the same degree with that which is corporal; and this was the reason of the ancient *lex talionis, oculus pro oculo, dens pro dente*, so that by that law *corporalis injuria de præterito non recipit æstimationem*: but our law, when the injury is already executed and inflicted, thinketh it best satisfaction to the party grieved to relieve him in damage, and to give him rather profit than revenge; but it will never force a man to tolerate a corporal hurt, and to depend upon that inferior kind of satisfaction, *ut in damagiis.*

REGULA VII.

Excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus.

In capital causes *in favorem vitæ*, the law will not punish in so high a degree, except the malice of the will and intention appear; but in civil trespasses and injuries that are of an inferior nature, the law doth rather consider the damage of the party wronged, than the malice of him that was the wrong-doer: and therefore,

The law makes a difference between killing a man upon malice forethought, and upon present heat: but if I give a man slanderous words, whereby I damnify him in his name and credit, it is not material whether I use them upon sudden choler and provocation, or of set malice, but in an action upon the case I shall render damages alike.

So if a man be killed by misadventure, as by an arrow at butts, this hath a pardon of course; but if a man be hurt or maimed only, an action of trespass lieth, though it be done against the party's mind and will, and he shall be punished in the law as deeply as if he had done it of malice. Stamf. 16. 6 E. 4. 7.

So if a surgeon authorized to practise, do, through negligence in his cure, cause the party to die, the surgeon shall not be brought in question of his life; and yet if he do only hurt the wound, whereby the cure is cast back, and death ensues not, he is subject to an action upon the case for his misfaisance. Stamf. 16. B.

So if baron and feme be, and they commit felony together, the feme is neither principal nor accessory, in regard of her obedience to the will of her husband: but if baron and feme join in committing a trespass upon land or otherwise, action may be brought against them both.

So if an infant within years of discretion, or a madman, kill another, he shall not be impeached thereof: but if they put out a man's eye, or do him like corporal hurt, he shall be punished in trespass. B. 3. H. 7. Stamf. 16. B.

So in felonies the law admitteth the difference of principal and accessary, and if the principal die, or be pardoned, the proceeding against the accessory faileth; but in a trespass, if one command his man to beat you, and the servant after the battery die, yet your action of trespass stands good against the master. 17 H. 4. 19.

REGULA VIII.

Æstimatio præteriti delicti ex post facto nunquam crescit.

The law construeth neither penal laws nor penal facts by intendments, but considereth the

offence in degree, as it standeth at the time when it is committed; so as if any circumstance or matter be subsequent, which laid together with the beginning should seem to draw it to a higher nature, yet the law doth not extend or amplify the offence.

11 H. 4. 12. Therefore, if a man be wounded, and the percussor is voluntarily let go at large by the gaoler, and after death ensueth of the hurt, yet this is no felonious escape in the gaoler.

So if the villain strike the heir apparent of the lord, and the lord dieth before, and the person hurt who succeedeth to be lord to the villain dieth after, yet this is no petty treason.

So if a man compass and imagineth the death of one that after cometh to be king of the land, not being any person mentioned within the statute of 25 Ed. III. this imagination precedent is not high treason.

So if a man use slanderous words of a person upon whom some dignity after descends that maketh him a peer of the realm, yet he shall have but a simple action of the case, and not in the nature of a *scandalum magnatum* upon the statute.

So if John Stile steal sixpence from money, and the king by his proclamation doth raise moneys, that the weight of silver in the piece now of sixpence should go for twelve pence, yet this shall remain petty larceny, and not felony: and yet in all civil reckonings the alteration shall take place; as if I contract with a labourer to do some work for twelve pence, and the enhancing of money cometh before I pay him, I shall satisfy my contract with a sixpenny piece so raised.

So if a man deliver goods to one to keep, and after retain the same person into his service, who afterwards goeth away with his goods, this is no felony by the statute of 21 H. VIII. because he was not servant at that time. 28 H. 8. pl. 2.

In like manner if I deliver goods to the servant of I. S. to keep, and after die, and make I. S. my executor; and before any new commandment of I. S. to his servant for the custody of the same goods, his servant goeth away with them, this is also out of the same statute. *Quod nota.*

But note that it is said *præteriti delicti*; for any accessory before the act is subject to all the contingencies pregnant of the fact, if they be pursuances of the same fact as if a man command or counsel one to rob a man, or beat him grievously, and murder ensue; in either case he is accessory to the murder, *quia in criminalibus præstantur accidentia.*

REGULA IX.

Quod remedio destituitur ipsa re valet si culpa absit.

The benignity of the law is such, as, when to preserve the principles and grounds of law it depriveth a man of his remedy without his own fault, it will rather put him in a better degree and condition than in a worse; for if it disable him to pursue his action, or to make his claim, sometimes it will give him the thing itself by operation of law without any act of his own, sometimes it will give him a more beneficial remedy.

And therefore if the heir of the disseisor which is in by descent make a lease for life, the remainder for life unto the disseisee, and the lessee for life die, now the frank tenement is cast upon the disseisee by act in law, and thereby he is disabled to bring his *præcipe* to recover his right; whereupon the law judgeth him in of his ancient right as strongly as if it had been recovered and executed by action, which operation of law is by an ancient term and word of law called a *remitter*; but if there may be assigned any default or laches in him, either in accepting the freehold or in accepting the interest that draws the freehold, then the law denieth him any such benefit. Lit. pl. 683.

And therefore if the heir of the disseisor make a lease for years, the remainder in fee to the disseisee, the disseisee is not remitted, and yet the remainder is in him without his own knowledge or assent: but because the freehold is not cast upon him by act in law, it is no remitter. *Quod nota.* Lit. pl. 682.

So if the heir of the disseisor infeoff the disseisee and a stranger, and make livery to the stranger, although the stranger die before any agreement or taking of the profits by the disseisee, yet he is not remitted; because though a moiety be cast upon him by survivor, yet that is but *jus accrescendi*, and it is no casting of the freehold upon him by act in law, but he is still as an immediate purchaser, and therefore no remitter. Lit. pl. 685.

So if the husband be seised in the right of his wife, and discontinue and dieth, and the feme takes another husband, who takes a feoffment from the discontinuee to him and his wife, the feme is not remitted; and the reason is, because she was once sole, and so a laches in her for not pursuing her right; but if the feoffment taken back had been to the first husband and herself, she had been remitted. Semble in cest case clerement le ley d'estre contrar. Lit. pl. 666.

Yet if the husband discontinue the lands of the wife, and the discontinuee make a feoffment to the use of the husband and wife, she is not remitted; but that is upon a special reason, upon the letter of the statute of 27 H. VIII. of uses, that willeth that the *cestuy que use* shall have the possession in quality and degree, as he had the use; but that holdeth place only upon the first vesting of the use; for when the use is absolutely executed and vested, then it doth insue merely the nature of possessions; and if the discontinuee had made a feoffment in fee to the use of I. S. for 2 M. Condic. 3. 34 H. 8. Dy. 3. 19.

life, the remainder to the use of baron and feme, and lessee for life die, now the feme is remitted, *causa qua supra.*

Also, if the heir of the disseisor make a lease for life, the remainder to the disseisee, who chargeth the remainder, and lessee for life dies, the disseisee is not remitted; and the reason is, his intermeddling with the wrongful remainder, whereby he hath affirmed the same to be in him, and so accepted it: but if the heir of the disseisor had granted a rent charge to the disseisee, and afterwards made a lease for life, the remainder to the disseisee, and the lessee for life had died, the disseisee had been remitted; because there appeareth no assent or acceptance of any estate in the freehold, but only of a collateral charge.

So if the feme be disseised, and intermarry with the disseisor, who makes a lease for life, rendering rent, and dieth, leaving a son by the same feme, and the son accepts the rent of the lessee for life, and then the feme dies, and the lessee for life dies, the son is not remitted; yet the frank tenement was cast upon him by act in law, but because he had agreed to be in the tortious reversion by acceptance of the rent, therefore no remitter.

6 Ed. 3. 4. Cond. 3. 67.

28 H. 8. pl. 207.

So if tenant in tail discontinue, and the discontinuee make a lease for life, the remainder to the issue in tail being within age, and at full age the lessee for life surrendereth to the issue in tail, and tenant in tail die, and lessee for life dies, yet the issue is not remitted: and yet if the issue had accepted a feoffment within age, and had continued the taking of the profits when he came of full age, and then the tenant in tail had died, notwithstanding his taking of the profits, he had been remitted; for that which guides the remitter, is, if he be once in of the freehold without any laches: as if the heir of the disseisor enfeoffs the heir of the disseisee, who dies, and it descends to a second heir, upon whom the frank tenement is cast by descent, who enters and takes the profits, and then the disseisee dies, this is a remitter, *causa qua supra.*

Also, if tenant in tail discontinue for life, and take a surrender of the lessee, now he is remitted and seised again by force of the tail, and yet he cometh in by his own act: but this case differeth from all other cases; because the discontinuance was but particular at first, and the new gained reversion is but by intendment and necessity of law; and, therefore, is but, as it were, *ab initio*, with a limitation to determine whensoever the particular discontinuance endeth, and the estate cometh back to the ancient right.

Lit. pl. 3. 6

To proceed from cases of remitter, which is a great branch of this rule, to other cases: if executors do redeem goods pledged by their testator with their own money, the law doth convert so much goods as doth amount to the value of that they laid forth, to themselves in property, and upon a plea of fully administered it shall be allowed: and the reason is, because it may be matter of necessity for the well administering of the goods of the testator, and executing their trust, that they disburse money of their own: for else perhaps the goods would be forfeited, and he that had them in pledge would not accept other goods but money, and so it is a liberty which the law gives them, and they cannot have any suit against themselves; and, therefore, the law gives them leave to retain so much goods by way of allowance; and if there be two executors, and one of them pay the money, he may likewise retain against his companion, if he have notice thereof.

6 H. 8. pl. 3.

But if there be an overplus of goods, above the value of that he shall disburse, then ought he by his claim to determine what goods he doth elect to have in value; or else before such election, if his companion do sell all the goods, he hath no remedy but in spiritual court: for to say he should be tenant in common with himself and his companion *pro rata* of that he doth lay out, the law doth reject that course for intricateness.

3 Eliz. 187. pl. 6.

So if I. S. have a lease for years worth twenty pounds by the year, and grant unto I. D. a rent of ten pounds a year, and after make him my executor; now I. D. shall be charged with assets ten pounds only, and the other ten pounds shall be allowed and considered to him: and the reason is, because the not refusing shall be accounted no laches to him, because an executorship is *pium officium*, and matter of conscience and trust, and not like a purchase to a man's own use.

29 H. 8. pl. 7. in fine. 22 Ass. 52 F. Rec. in value 23.

Like law is, where the debtor makes the debtee his executor, the debt shall be considered in the assets, notwithstanding it be a thing in action.

12 H. 4. 22. Cond. 185. 2 H. 7. 5. 37 H. 6. 32.

So if I have a rent charge, and grant that upon condition, now though the condition be broken, the grantee's estate is not defeated till I have made my claim; but if after any such grant my father purchase the land, and it descend to me; now, if the condition be broken, the rent ceaseth without claim: but if I had purchased the land myself then I had extincted my own condition, because I had disabled myself to make my claim: and yet a condition collateral is not suspended by taking back an estate; as if I make a feoffment in fee, upon condition that I. S. shall marry my daughter, and take a lease for life from my feoffee, if the feoffee break the condition I may claim to hold in by my fee-simple; but the case of the charge is otherwise, for if I have a rent charge issuing out of twenty acres, and grant the rent over upon condition, and purchase but one acre, the whole condition is extinct, and the possibility of the rent,

6 E. 6. Cond. 133. 6.

Lit. pl. 362.

20 H. 7. per Pol. 35 H. 6. Fitz Barr. 162.

by reason of the condition, is as fully destroyed as if there had been no rent in *esse*.

30 H. 6. Fitz. Grants 91. So if the king grant to me the wardship of I. S. the son and heir of I. S. when it falleth; because an action of covenant lieth not against the king, I shall have the thing myself in interest.

But if I let land to I. S. rendering a rent with condition of re-entry, and I. S. be attainted, whereby the lease comes to the king, now the demand upon this land is gone, which should give me benefit of re-entry, and yet I shall not have it reduced without demand: and the reason 7 H. 6. 40. of difference is because my condition in this case is not taken away in right, but only suspended by the privilege of the possession: for if the king grant the lease over, the condition is revived as it was.

Also, if my tenant for life grant his estate to the king, now if I will grant my reversion over, the king is not compellable to atturn, therefore, it shall pass by grant, by deed without atturnment.

9 Ed. 2. Fitz. Atturnments, 18. So if my tenant for life be, and I grant my reversion *pur autre vie*, and the grantee die, living *cestui que vie*, now the privity between tenant for life and me is not restored, and I have no tenant in *esse* to atturn; therefore I may pass my reversion without atturnment. *Quod nota*.

So if I have a nomination to a church, and another hath the presentation, and the presentation comes to the king, now because the king cannot be attendant, my nomination is turned to an absolute patronage.

6 Ed. 6. Dy. 72.* So if a man be seised of an advowson, and take a wife, and after title of dower given, he join in impropriating the church, and dieth; now because the feme cannot have the turn, because of the perpetual incumbency, she shall have all the turns during her life; for it shall not be disimpropriated to the benefit of the heir contrary to the grant of tenant in fee-simple.

But if a man grant the third presentment to I. S. and his heirs, and impropriate the advowson, now the grantee is without remedy, for he took his grant subject to that mischief at the first: and therefore, it was his laches, and therefore not like the case of the dower; and this grant of the third avoidance is not like *tertia pars advocationis*, or *medietas advocationis* upon a tenancy in common of the advowson; for if two tenants in common be, and a usurpation be had against them, and the usurper do impropriate, and one of the tenants in common do release, and the other bring his writ of right *de medietate advocationis*, and recover; now I take the law to be, that because tenants in common ought to join in presentments, which cannot now be, he shall have the whole patronage: for neither can there be an apportionment that he should present all the turns, and his incumbent but to have a moiety of the profits, nor yet the act of impropriation shall not be defeated. But as if two tenants in common be of 45 Ed. 3. 10. a ward, and they join in a writ of right of ward, and one release, the other shall recover the entire ward, because it cannot be divided: so shall it be in the other case, though it be of inheritance, and though he bring his action alone.

As if a disseisor be disseised, and the first disseisee release to the second disseisor upon condition, and a descent be cast, and the condition broken; now the mean disseisor, whose right is revived, shall enter notwithstanding this descent, because his right was taken away by the act of a stranger.

But if I devise land by the statute 41 Ed. 3. 10. Le contrary fuit resolu in Martin Trott's case, pa. 32 Eliz. of 32 H. VIII. and the heir of the devisor enters and makes a feoffment in fee, and feoffee dieth seised, this descent bindeth, and there shall not be a perpetual liberty of entry, upon the reason that he never had seisin whereupon he might ground his action, but he is at a mischief by his own laches: and the like law of the king's patentee; for I see no reasonable difference between in Com. Banco, and Pa. I. Jac. ib. vide 7. R. 2. Scire fac. 3. is Littleton's case.

But note, that the law by operation 41 E. 3. 14. per Finchden. and matter in fact will never countervail and supply a title grounded upon a matter of record; and therefore if I be entitled unto a writ of error, and the land descend unto me, I shall never be remitted, no more shall I be unto an attaint, except I may also have a writ of right.

So if upon my avowry for services, 25 H. 8. Dy. 1. 7. my tenant disclaim where I may have a writ of right as upon disclaimer, if the land after descend to me, I shall never be remitted.

REGULA X.

Verba generalia restringuntur ad habilitatem rei vel personæ.

It is a rule that the king's grants shall not be taken or construed to a special intent; it is not so with the grants of a common person, for they shall be extended as well to a foreign intent as to a common intent; yet, with this exception, that they shall never be taken to an impertinent or a repugnant intent: for all words, whether they be in deeds or statutes, or otherwise, if they be general and not express and precise, shall be restrained unto the fitness of the matter or person.

As if I grant common *in omnibus terris meis* in D. and I have in D. both Perk pl. 108. open grounds and several, it shall not be stretched to my common in several, much less in my gardens and orchards.

*Vide contra, 2 E. 3. fol. 8. Que presentmét del feme l'advowson est deveign disimpropriate a touts jours quel est agree in sur Cok. Rep. 7. fo. 8. a.

14 H. 8. 2. So if I grant to a man *omnes arbores meas crescentes supra terras meas in* D. he shall not have apple trees, nor other fruit trees growing in my gardens or orchards, if there be any other trees upon my grounds.

41 Ed. 3. 6. et 19. So if I grant to I. S. an annuity of ten pounds a year *pro consilio impenso et impendendo*, if I S. be a physician, it shall be understood of his counsel in physic; and if he be a lawyer, of his counsel in law.

So if I do let a tenement to I. S. near by my dwelling-house in a borough, provided that he shall not erect or use any shop in the same without my license, and afterwards I license him to erect a shop, and I. S. is then a miller, he shall not, by virtue of these general words, erect a joiner's shop.

26 E. 337. Dy. So the statute of chantries, that willeth all lands to be forfeited, given or employed to a superstitious use, shall not be construed of the glebe lands of parsonages: 16 Eliz. 337. Dyer nay farther, if the lands be given to the parson of D. to say a mass in his church of D. this is out of the statute, because it shall be intended but as augmentation of his glebe; but otherwise it had been, if it had been to say a mass in any other church than his own.

So in the statute of wrecks, that willeth that goods wrecked where any live domestical creature remains in the vessel, shall be preserved and kept to the use of the owner that shall make his claim by the space of one year, doth not extend to fresh victuals or the like, which is impossible to keep without perishing or destroying it; for in these and the like cases general words may be taken, as was said, to a rare foreign intent, but never to an unreasonable intent.

REGULA XI.

Jura sanguinis nullo jure civili dirimi possunt.

They be the very words of the civil law, which cannot be amended. to explain this rule, *hæres est nomen juris, Filius est nomen naturæ:* therefore corruption of blood taketh away the privity of the one, that is, of the heir, but not of the other, that is, of the son; 36 H. 6. 57,58. 21 Ed. 3. 17. therefore if a man be attainted and be murdered by a stranger, the eldest son shall not have appeal, because the appeal is given to the heir, for the youngest sons who are equal in blood shall not have it; but if an attainted person be killed by his son, this is petty treason, for that the privity of a son remaineth: for I admit the law to be, that if the son kill his father or mother it is petty treason, Lamb. Jus. p. 293. Fitz. crown. 447. and that there remaineth so much in our laws of the ancient footsteps of *potestas patriæ* and natural obedience, which by the law of God is the very instance itself; and all other government and obedience is taken but by equity, which I add, because some have sought to weaken the law in that point.

So if land descend to the eldest son of a person attainted from his ancestor of the mother held in knight's service, the guardian shall enter, and oust the father, because the F. N. Br. fo. 143. De Droit. law giveth the father that prerogative in respect he is his son and heir; for of a daughter or a special heir in tail he shall not have it: but if the son be attainted, and the father covenant in consideration of natural love to stand seised of land to his use, this is good enough to raise a use, because the privity of a natural affection remaineth.

So if a man be attainted and have charter of pardon, and be returned of a 26 E. 337. Dy. jury between his son and I. S. the challenge remaineth; so may he maintain any suit of his son, notwithstanding the blood be corrupted.

So by the statute of 21 H. VIII. the ordinary ought to commit the administration of his goods that was attainted and purchase his charter of pardon, to his children, though born before the pardon, for it is no question of inheritance: for if one brother of the half blood die, the administration ought to be committed 5 Ed. 6. Adm. 47. to his other brother of the half blood, if there be no nearer by the father.

So if the uncle by the mother be attainted, and pardoned, and land descend 33 H. 65. from the father to the son within age held in socage, the uncle shall be guardian in socage; for that savoureth so little of the privity of heir, as the possibility to inherit shutteth not.

But if a feme tenant in tail assent to the ravisher, and have no issue, and her cousin is attainted, and pardoned, and purchaseth the reversion, he shall not enter for a forfeiture. For though the law giveth it not in point 5 Ed. 4. 50. of inheritance, but only as a perquisite to any of the blood, so he be next in estate; yet the recompense is understood for the stain of his blood, which cannot be considered when it is once wholly corrupted before.

So if a villain be attainted, yet the lord shall have the issues of his villain born before or after the attainder; for the lord hath them *jure naturæ* but as the increase of a flock.

Query, Whether if the eldest son be attainted and pardoned, the lord shall F. N. Br. 82. G. Register, fol. 87. have aid of his tenants to make him a knight, and it seemeth he shall; for the words of the writ hath *filium primogenitum*, and not *filium et hæredem*, and the like writ hath *pur file marrier* who is no heir.

REGULA XII.

Receditur à placitis juris, potius quàm injuriæ et delicta maneant impunita.

The law hath many grounds and positive learnings, which are not of the maxims and con-

clusions of reason; but yet are learnings received with the law, set down, and will not have called in question; these may be rather called *placita juris* than *regulæ juris;* with such maxims the law will dispense, rather than crimes and wrongs should be unpunished, *quia salus populi suprema lex;* and *salus populi* is contained in the repressing offences by punishment.

Fitz. N. B. 30.

Therefore if an advowson be granted to two, and the heirs of one of them, and a usurpation be had, they both shall join in a writ of right of advowson; and yet it is a ground in law, that a writ of right lieth of no less estate than of a fee-simple: but because the tenant for life hath no other several action in the law given him, and also that the jointure is not broken, and so the tenant in fee-simple cannot bring his writ of right alone; therefore rather than he shall be deprived wholly of remedy, and this wrong unpunished, he shall join his companion with him, notwithstanding the feebleness of his estate.

46 Ed. 3. 21.

But if lands be given to two, and to the heirs of one of them, and they lease in a *præcipe* by default, now they shall not join in a writ of right, because the tenant for life hath a several action, namely, a *Quod ei deforciat*, in which respect the jointure is broken.

27 H. 8. 13.

So if tenant for life and his lessor join in a lease for years, and the lessee commit waste, they shall join in punishing this waste, and *locus vastatus* shall go to the tenant for life, and the damages to him in reversion; and yet an action of waste lieth not for tenant for life; but because he in the reversion cannot have it alone, because of the mean estate for life, therefore rather than the waste shall be unpunished, they shall join.

45 Ed. 3. 3. 22 H. 6. 24.

So if two coparceners be, and they lease the land, and one of them die, and hath issue, and the lessee commit waste, the aunt and the issue shall join in punishing this waste, and the issue shall recover the moiety of the place wasted, and the aunt the other moiety and the entire damages; and yet *actio injuriarum moritur cum persona*, but *in favorabilibus magis attenditur quod prodest, quàm quod nocet.*

20 Ed. 2. Fitz. F. desceut. 16.

So if a man recovers by erroneous judgment, and hath issue two daughters, and one of them is attainted, the writ of error shall be brought against the parceners notwithstanding the privity fail in the one.

Also it is a positive ground, that the accessory in felony cannot be proceeded against, until the principal be tried; yet if a man upon subtlety and malice set a madman by some device to kill him, and he doth so; now forasmuch as the madman is excused because he can have no will nor malice, the law accounteth the inciter as principal, though he be absent. rather than the crime shall go unpunished.

Fitz. Corone, 459. Ed. 4. M. 28. 6. Stamf. lib. 2. fol. 60.

So it is a ground of the law, that the appeal of murder goeth not to the heir where the party murdered hath a wife, nor to the younger brother where there is an elder; yet if the wife murder her husband, because she is the party offendor, the appeal leaps over to the heir; and so if the son and heir murder his father, it goeth to the second brother.

But if the rule be one of the higher sort of maxims that are *regulæ rationales*, and not *positivæ*, then the law will rather endure a particular offence to escape without punishment, than violate such a rule.

Cap. 12. Stamf. 2. fol. 125.

As it is a rule that penal statutes shall not be taken by equity, and the statute of 1 Ed. VI. enacts that those that are attainted for stealing of horses shall not have their clergy, the judges conceived, that this did not extend to him that stole but one horse, and therefore procured a new act for it, 2 Ed. VI. cap. 33. And they had reason for it, as I take the law; for it is not like the case upon the statute of Glocest. that gives an action of waste against him that holds *pro termino vitæ vel annorum.* It is true, if a man hold but for a year he is within the statute; for it is to be noted, that penal statutes are taken strictly and literally only in the point of defining and setting down the fact and the punishment, and in those clauses that do concern them; and not generally in words that are but circumstances and conveyance in the putting of the case: and so see the diversity; for if the law be, that for such an offence a man shall lose his right hand, and the offender hath had his right hand before cut off in the wars, he shall not lose his left hand, but the crime shall rather pass without the punishment which the law assigned, than the letter of the law shall be extended; but if the statute of 1 Ed. VI. had been, that he that should steal a horse should be ousted of his clergy, then there had been no question at all, but if a man had stolen more horses than one, but that he had been within the statute, *quia omne majus continet in se minus.*

Plow. 467. Litt. cap 46. Ed. 3. 31.

REGULA XIII.

Non accipi debent verba in demonstrationem falsam quæ competunt in limitationem veram.

THOUGH falsity of addition or demonstration doth not hurt where you give the thing the proper name, yet nevertheless if it stand doubtful upon the words, whether they import a false reference and demonstration, or whether they be words of restraint that limit the generality of the former name, the law will never intend error or falsehood.

12 Eliz. 21. Dyer. 291. 23 Eliz. Dy. 376. 7 Ed. 6. Dy. 56.

And, therefore, if the parish of Hurst do extend into the counties of Wiltshire and Berkshire, and I grant my close called Callis, situate and lying in the parish of Hurst in the county of Wiltshire,

and the truth is, that the whole close lieth in the county of Berkshire; yet the law is, that it passeth well enough, because there is a certainty sufficient in that I have given it a proper name which the false reference doth not destroy, and not upon the reason that these words, "in the county of Wiltshire," shall be taken to go to the parish only, and so to be true in some sort, and not to the close, and so to be false: for if I had granted *omnes terras meas in parochia de Hurst in com. Wiltshire*, and I had no lands in Wiltshire but in Berkshire, nothing had past.

9 Ed. 4. 7. 21 Ed. 3. 18. 18 Eliz.

But in the principal case, if the close called Callis had extended part into Wiltshire and part in Berkshire, then only that part had passed which lay in Wiltshire.

29 Reg.

So if I grant *omnes et singulas terras meas in tenura I. D. quas perquisivi de I. N. in indentura dimissionis fact' I. B. specificat.* If I have land wherein some of these references are true, and the rest false, and no land wherein they are all true, nothing passeth: as if I have land in the tenure of I. D. and purchased of I. N. but not specified in the indenture to I. B. or if I have land which I have purchased of I. N. and specified in the indenture of demise to I. B. and not in the tenure of I. D.

But if I have some land wherein all these demonstrations are true, and some wherein part of them are true and part false, then shall they be intended words of true limitation to pass only those lands wherein all those circumstances are true.

REGULA XIV.

Licet dispositio de interesse futuro sit inutilis, tamen potest fieri declaratio præcedens quæ sortiatur effectum interveniente novo actu.

The law doth not allow of grants except there be a foundation of an interest in the grantor; for the law that will not accept of grants of titles, or of things in action which are imperfect interests, much less will it allow a man to grant or encumber that which is no interest at all, but merely future.

But of declarations precedent before any interest vested the law doth allow, but with this difference, so that there be some new act or conveyance to give life and vigour to the declaration precedent.

Now the best rule of distinction between grants and declarations is, that grants are never countermandable, not in respect of the nature of the conveyance or instrument, though sometime in respect of the interest granted they are, whereas declarations evermore are countermandable in their natures.

20 Eliz. 19 H. 6. 62.

And therefore if I grant unto you, that if you enter into an obligation to me of one hundred pounds, and after do procure me such a lease, that then the same obligation shall be void, and you enter into such an obligation unto me, and afterwards do procure such a lease, yet the obligation is simple, because the defeisance was made of that which was not

27 Ed. 3.

So if I grant unto you a rent charge out of white acre, and that it shall be lawful for you to distrain in all my other lands whereof I am now seised, and which I shall hereafter purchase; although this be but a liberty of distress, and no rent, save only out of white acre, yet as to the lands afterwards to be purchased the clause is void.

29 Ed. 3. 6. 24 Eliz.

So if a reversion be granted to I. S. and I. D. a stranger by his deed do grant to I. S. that if he purchase the particular estate, he will atturne to the grant, this is a void atturnment, notwithstanding he doth afterwards purchase the particular estate.

13, 14 Eliz. 20, 21 Eliz. 25 Eliz.

But of declarations the law is contrary; as if the disseisee make a charter of feoffment to I. S. and a letter of attorney to enter and make livery and seisin, and deliver the deed of feoffment, and afterwards livery and seisin is made accordingly, this is a good feoffment; and yet he had no other thing than a right at the time of the delivery of the charter; but because a deed of feoffment is but matter of declaration and evidence, and there is a new act which is the livery subsequent, therefore it is good in law.

M. 38. et 39 Eliz.

36 Eliz.

So if a man make a feoffment to I. S. upon condition to enfeoff I. N. within certain days, and there are deeds made both of the first feoffment and the second, and letters of attorney accordingly, and both those deeds of feoffment and letters of attorney are delivered at a time, so that the second deed of feoffment and letters of attorney are delivered when the first feoffee had nothing in the land; and yet if both liveries be made accordingly, all is good.

So if I covenant with I. S. by indenture, that before such a day I will purchase the manor of D. and before the same day I will levy a fine of the same land, and that the same fine shall be to certain uses which I express in the same indenture; this indenture to lead uses being but matter of declaration, and countermandable at my pleasure, will suffice, though the land be purchased after; because there is a new act to be done, *viz.* the fine.

25 Eliz. 27 Eliz.

But if there were no new act, then otherwise it is; as if I covenant with my son in consideration of natural love, to stand seised unto his use of the lands which I shall afterwards purchase, yet the use is void: and the reason is, because there is no new act, nor transmutation of possession following to perfect this inception; for the use must be limited by the feoffor, and not the feoffee, and he had nothing at the time of the covenant.

Com. Plowd. Rigden's case. So if I devise the manor of D. by special name, of which at that time I am not seised, and after I purchase it, except I make some new publication of my will, this devise is void; and the reason is, because that my death, which is the consummation of my will, is the act of God, and not my act, and therefore no such act as the law requireth.

But if I grant unto I. S. authority by my deed to demise for years the land whereof I am now seised, or hereafter shall be seised; and after I purchase the lands, and I. S. my attorney doth demise them: this is a good demise, because the demise of my attorney is a new act, and all one with a demise by myself.

21 Eliz. But if I mortgage land, and after covenant with I. S. in consideration of money which I receive of him, that after I have entered for the condition broken, I will stand seised to the use of the same I. S. and I enter, and this deed is enrolled, and all within the six months, yet nothing passeth away, because this enrolment is no new act, but a perfective ceremony of the first deed of bargain and sale; and the law is more strong in that case, because of the vehement relation which the enrolment hath to the time of the bargain and sale, at what time he had nothing but a naked condition.

6 Ed. 6. Br. So if two joint tenants be, and one of them bargain and sell the whole land, and before the enrolment his companion dieth, nothing passeth of the moiety accrued unto him by survivor.

REGULA XV.

In criminalibus sufficit generalis malitia intentionis cum facto paris gradus.

All crimes have their conception in a corrupt intent, and have their consummation and issuing in some particular fact; which though it be not the fact at which the intention of the malefactor levelled, yet the law giveth him no advantage of that error, if another particular ensue of as high a nature.

18 Eliz. Sander's case. com. 474. Therefore if an impoisoned apple be laid in a place to poison I. S. and I. D. cometh by chance and eateth it, this is murder in the principal that is actor, and yet the malice *in individuo* was not against I. D.

Cr. J. Peace, 30. So if a thief find the door open, and come in by night and rob a house, and be taken with the manner, and break a door to escape, this is burglary; yet the breaking of the door was without any felonious intent, but it is one entire act.

So if a caliver be discharged with a murderous intent at I. S. and the piece break and strike into the eye of him that dischargeth it, and killeth him, he is *felo de se*, and yet his intention was not to hurt himself; for *felonia de se*, and murder are *crimina paris gradus*. For if a man persuade another to kill himself, and be present when he doth so, he is a murderer. Cave.

But *quære*, if I. S. lay impoisoned fruit for some other stranger his enemy, and his father or mother come and eat it, whether this be petty treason, because it is not altogether *crimen paris gradus*. Cr. Just. peace, fol. 18, 19.

REGULA XVI.

Mandata licita recipiunt strictam interpretationem, sed illicita latam et extensam.

In committing of lawful authority to another, a man may limit it as strictly as it pleaseth him, and if the party authorized do transgress his authority, though it be but in circumstance expressed, it shall be void in the whole act.

But when a man is author and monitor to another to commit an unlawful act, then he shall not excuse himself by circumstances not pursued.

Therefore if I make a letter of attorney to I. S. to deliver livery and seisin in the capital messuage, and he doth it in another place of the land; or between the hours of two and three, and he doth it after or before; or if I make a charter of feoffment to I. D. and I. B. and express the seisin to be delivered to I. D. and my attorney deliver it to I. B. in all these cases the act of the attorney, as to execute the estate, is void; but if I say generally to I. D. whom I mean only to enfeoff, and my attorney make it to his attorney, it shall be intended, for it is a livery to him in law. 10 H. 7. 19 15, 16. 16 El. Dy. 337. 16 El. Dy. 337. 11 El. Dy. 283. 38 H. 8. 68. Dy.

But on the other side, if a man command I. S. to rob I. D. on Shooters-hill, and he doth it on Gad's-hill; or to rob him such a day, and he doth it not himself but procureth I. B. to do it; or to kill him by poison, and he doth it by violence; in all these cases, notwithstanding the fact be not executed, yet he is accessory nevertheless. 18 El. Sander's case, com. 175.

But if it be to kill I. S. and he killeth I. D. mistaking him for I. S. then the acts are distant in substance, and he is not accessory. Ibidem.

And be it that the facts be of differing degrees, and yet of a kind.

As if a man bid I. S. to pilfer away such things out of a house, and precisely restrain him to do it sometimes when he is gotten in without breaking of the house, and yet he breaketh the house; yet he is accessory to the burglary; for a man cannot condition with an unlawful act, but he must at his peril take heed how he putteth himself into another man's hands.

But if a man bid one rob I. S. as he goeth to Sturbridge-fair, and he rob him in his house, the variance seems to be of substance, and he is not accessory. 18 Eliz. in Sander's case, pl. com. 475.

REGULA XVII.

De fide et officio judicis non recipitur quæstio; sed de scientia, sive error sit juris sive facti.

THE law doth so much respect the certainty of judgment, and the credit and authority of judges, as it will not permit any error to be assigned that impeacheth them in their trust and office, and in wilful abuse of the same; but only in ignorance, and mistaking either of the law or of the case and matter in fact.

F. N. Br. fo. 21. 7 H. 7. 4. And therefore if I will assign for error, that whereas the verdict passed for me, the court received it contrary, and so gave judgment against me, this shall not be accepted.

3 H. 6. Ass. 3. So if I will allege for error, that whereas I. S. offered to plead a sufficient bar, the court refused it, and drave me from it, this error shall not be allowed.

2 M. Dy. 114. But the greatest doubt is where the court doth determine of the verity of the matter in fact; so that is rather a point of trial than a point of judgment, whether it shall be re-examined in error.

1 Mar. 6. 28 Ass. pl. 15. 21 H. 7. 40. 35. As if an appeal of maim be brought, and the court, by the assistance of the chirurgeons, adjudge it to be a maim, whether the party grieved may bring a writ of error; and I hold the law to be he cannot.

8 H. 4. 3. So if one of the prothonotaries of the Common Pleas bring an assize of his office, and allege fees belonging to the same office in certainty, and issue is taken upon these fees, this issue shall be tried by the judges by way of examination, and if they determine it for the plaintiff, and he have judgment to recover arrearages accordingly, the defendant can bring no writ of error of this judgment, though the fees in truth be other. 1 Mar. Dy. 89. 5 Mar. Dy 163.

8 H. 6 23. 2 El. 285. Dy. 43 Ass 26. 41 Ass. 5. 39 Ass. 9. So if a woman bring a writ of dower, and the tenant plead her husband was alive, this shall be tried by proofs and not by jury, and upon judgment given on either side no error lies.

5 Ed. 4. 3. 9 H. 7. 2. 19 H 6. 52. So if *nul tiel record* be pleaded, which is to be tried by the inspection of the record, and judgment be thereupon given, no error lieth.

22 Ass. pl. 24. 19 Ed. 4. 6 So if in the assize the tenant saith, he is *Counte de dale, et nient nosme counte*, in the writ, this shall be tried by the records of the Chancery, and upon judgment given no error lieth.

So if a felon demand his clergy, and read well and distinctly, and the court who is judge thereof do put him from his clergy wrongfully, error shall never be brought upon this attainder.

Ass. 8. F. N. Br. 21. So if upon judgment given upon confession for default, and the court do assess damages, the defendant shall never bring a writ, though the damage be outrageous.

And it seemeth in the case of maim, and some other cases, that the court may dismiss themselves of discussing the matter by examination, and put it to a jury, and then the party grieved shall have his attaint; and therefore it seemeth that the court that doth deprive a man of his action, should be subject to an action; but that notwithstanding the law will not have, as was said in the beginning, the judges called in question in the point of their office when they undertake to discuss the issue, and that is the true reason: for to say that the reason of these cases should be, because trial by the court should be peremptory as trial by certificate, (as by the bishop in case of bastardy, or by the marshal of the king, &c.) the cases are nothing alike; for the reason of those cases of certificate is, because if the court should not give credit to the certificate, but should re-examine it, they have no other mean but to write again to the same lord bishop, or the same lord marshal, which were frivolous, because it is not to be presumed they would differ from their former certificate; whereas in these other cases of error the matter is drawn before a superior court, to re-examine the errors of an inferior court: and therefore the true reason, as was said, that to examine again that which the court had tried were in substance to attaint the court. 21 Ass. 24. 11 H. 4. 41. 7 H. 6. 37.

And therefore this is a certain rule in error, that error in law is ever of such matters as were not crossed by the record; as to allege the death of the tenant at the time of the judgment given, nothing appeareth upon record to the contrary.

So when the infant levies a fine, it appeareth not upon the record that he is an infant, therefore it is an error in fact, and shall be tried by inspection during nonage. F. N. Br. 21.

But if a writ of error be brought in the King's Bench of a fine levied by an infant, and the court by inspection and examination doth affirm the fine, the infant, though it be during his infancy, shall never bring a writ of error in the Parliament upon this judgment; not but that error lies after error, but because it doth now appear upon the record that he is now of full age, therefore it can be no error in fact. And therefore if a man will assign for error that fact, that whereas the judges gave judgment for him, the clerks entered it in the roll against him, this error shall not be allowed; and yet it doth not touch the judges but the clerks: but the reason is, if it be an error, it is an error in fact; and you shall never allege an error in fact contrary to the record. 2 R. 3. 20. F. N. Br. 21. 9 Ed. 4. 3.

REGULA XVIII.

Persona conjuncta æquiparatur interesse proprio.

THE law hath that respect of nature and conjunction of blood, as in divers cases it compareth

and matcheth nearness of blood with consideration of profit and interest; yea, and in some cases alloweth of it more strongly.

7 et 8 Eliz.

Therefore if a man covenant, in consideration of blood, to stand seised to the use of his brother, or son, or near kinsman, a use is well raised of this covenant without transmutation of possession; nevertheless it is true, that consideration of blood is not to ground a personal contract upon; as if I contract with my son, that in consideration of blood I will give unto him such a sum of money, this is a *nudum pactum*, and no *assumpsit* lieth upon it; for to subject me to an action, there needeth a consideration of benefit: but the use the law raiseth without suit or action; and besides, the law doth match real considerations with real agreements and covenants.

19 Ed. 4. 6. 19 Ed. 4. 22. 22 H. 6. 35. 21 H. 6. 15, 16. 22 H. 6. 5. 20 H. 6 14 H. 6. 6.

So if a suit be commenced against me, my son, or brother, I may maintain as well as he in remainder for his interest, or his lawyer for his fee; and if my brother have a suit against my nephew or cousin, yet it is my election to maintain the cause of my nephew or cousin, though the adverse party be nearer unto me in blood.

14 H. 7. 2. 14 et 15 El. 21 Ed. 4 75. Com. 4. 25.

So in challenges of juries, challenge of blood is as good as challenge within distress, and it is not material how far off the kindred be, so the pedigree can be conveyed in a certainty, whether it be of the half blood or whole.

15 H. 6. 17. 39 H. 6. 50. 21 Ed 4, 13. 18 H 6. 21. 15 Ed. 4. 1.

So if a man menace me, that he will imprison or hurt in body my father, or my child, except I make such an obligation, I shall avoid this duresse, as well as if the duresse had been to mine own person: and yet if a man menace me, by taking away or destruction of my goods, this is no good duresse to plead: and the reason is, because the law can make me reparation of that loss, and so it cannot of the other.

39 H. 6. 91. 7 Ed. 4. 21. 20 Ass. 14.

Perk 4 D. cap. 28.

So if a man under the years of twenty-one contract for the nursing of his lawful child, this contract is good, and shall not be avoided by infancy, no more than if he had contracted for his own aliments or erudition.

REGULA XIX.

Non impedit clausula derogatoria, quo minùs ab eadem potestate res dissolvantur, à quibus constituuntur.

Acts which are in their natures revocable, cannot by strength of words be fixed or perpetuated; yet men have put in use two means to bind themselves from changing or dissolving that which they have set down, whereof one is *clausula derogatoria*, the other *interpositio juramenti*, whereof the former is only pertinent to this present purpose.

This *clausula derogatoria* is by the common practical term called *clausula non obstante, de futuro esse*, the one weakening and disannulling any matter past to the contrary, the other any matter to come; and this latter is that only whereof we speak.

The *clausula de non obstante de futuro*, the law judgeth to be idle and of no force, because it doth deprive men of that which of all other things is most incident to human condition, and that is alteration or repentance.

Therefore if I make my will, and in the end thereof do add such like clause [Also my will is, if I shall revoke this present will, or declare any new will, except the same shall be in writing, subscribed with the hands of two witnesses, that such revocation or new declaration shall be utterly void; and by these presents I do declare the same not to be my will, but this my former will to stand] any such pretended will to the contrary notwithstanding; yet nevertheless this clause or any the like never so exactly penned, and although it do restrain the revocation but in circumstance and not altogether, is of no force or efficacy to fortify the former will against the second; but I may by parole without writing repeal the same will and make a new.

28 Ed. 3. cap 7. 24 Ed. 3; cap 9. 2 H. 7. 6.

So if there be a statute made that no sheriff shall continue in his office above a year, and if any patent be made to the contrary, it shall be void; and if there be any *clausula de non obstante* contained in such patent to dispense with this present act, that such clause also shall be void; yet nevertheless a patent of the sheriff's office made by the king, with a *non obstante*, will be good in law contrary to such statute, which pretendeth to exclude *non obstantes*; and the reason is, because it is an inseparable prerogative of the crown to dispense with politic statutes, and of that kind; and then the derogatory clause hurteth not.

So if an act of Parliament be made, wherein there is a clause contained that it shall not be lawful for the king, by authority of Parliament, during the space of seven years, to repeal and determine the same act, this is a void clause, and such act may be repealed within the seven years; and yet if the Parliament should enact in the nature of the ancient *lex regia*, that there should be no more Parliaments held, but that the king should have the authority of the Parliament; this act were good in law, *quia potestas suprema seipsum dissolvere potest, ligare non potest;* for as it is in the power of a man to kill a man, but it is not in his power to save him alive, and to restrain him from breathing or feeling; so it is in the power of a Parliament to extinguish or transfer their own authority, but not, whilst the authority remains entire, to restrain the functions and exercises of the same authority.

So in the 28 of K. H. VIII. chap. 17, there was

a statute made, that all acts that passed in the minority of kings, reckoning the same under the years of twenty-four, might be annulled and revoked by their letters patents when they came to the same years; but this act in the first of K. Ed. VI. who was then between the years of ten and eleven, cap. 11, was repealed, and a new law surrogate in place thereof, wherein a more reasonable liberty was given; and wherein, though other laws are made revocable according to the provision of the former law with some new form prescribed, yet that very law of revocation, together with pardons, is made irrevocable and perpetual, so that there is a direct contrariety between these two laws; for if the former stands, which maketh all latter laws during the minority of kings revocable without exception of any law whatsoever, then that very law of repeal is concluded in the generality, and so itself made revocable: on the other side, that law making no doubt of the absolute repeal of the first law, though itself were made during the minority, which was the very case of the former law in the new provision which it maketh, hath a precise exception, that the law of repeal shall not be repealed.

14 El. Dy. 313.

P. Comm. 563.

But the law is, that the first law by the impertinency of it was void *ab initio et ipso facto* without repeal, as if a law were made, and no new statute should be made during seven years, and the same statute be repealed within the seven years, if the first statute should be good, then the repeal could not be made thereof within that time; for the law of repeal were a new law, and that were disabled by the former law; therefore it is void in itself, and the rule holds, *perpetua lex est, nullam legem humanam ac positivam perpetuam esse; et clausula quæ abrogationem excludit initio non valet.*

Neither is the difference of the civil law so reasonable as colourable, for they distinguish and say that a derogatory clause is good to disable any latter act, except you revoke the same clause before you proceed to establish any later disposition or declaration; for they say, that *clausula derogatoria ad alias sequentes voluntates posita in testamento, (viz. si testator dicat quod si contigerit eum facere aliud testamentum non vult illud valere,) operatur quod sequens dispositio ab ipsa clausula reguletur, et per consequens quod sequens dispositio duretur sine voluntate, et sic quod non sit attendendum.* The sense is, that where a former will is made, and after a later will, the reason why, without an express revocation of the former will, it is by implication revoked, is because of the repugnancy between the disposition of the former and the later.

But where there is such a derogatory clause, there can be gathered no such repugnancy: because it seemeth that the testator had a purpose at the making of the first will to make some show of a new will, which nevertheless his intention was should not take place: but this was answered before; for if that clause were allowed to be good until a revocation, then would no revocation at all be made, therefore it must needs be void by operation of law at first. Thus much of *clausula derogatoria.*

REGULA XX.

Actus inceptus, cujus perfectio pendet ex voluntate partium, revocari potest; si autem pendet ex voluntate tertiæ personæ, vel ex contigenti, non potest.

In acts that are fully executed and consummate, the law makes this difference, that if the first parties have put it in the power of a third person, or of a contingency, to give a perfection to their acts, then they have put it out of their own reach and liberty; therefore there is no reason they should revoke them; but if the consummation depend upon the same consent, which was the inception, then the law accounteth it in vain to restrain them from revoking of it; for as they may frustrate it by omission and *non feisance*, at a certain time, or in a certain sort or circumstance, so the law permitteth them to dissolve it by an express consent before that time, or without that circumstance.

Therefore if two exchange land by deed, or without deed, and neither enter, they may make a revocation or dissolution of the same exchange by mutual consent, so it be by deed, but not by parole; for as much as the making of an exchange needeth no deed, because it is to be perfected by entry, which is a ceremony notorious in the nature of a livery; but it cannot be dissolved but by deed, because it dischargeth that which is but title.

F. N. Br. 36. 13 H. 7. 13, 14.

So if I contract with I. D. that if he lay me into my cellar three tuns of wine before Mich. that I will bring into his garner twenty quarters of wheat before Christmas, before either of these days the parties may by assent dissolve the contract; but after the first day there is a perfection given to the contract by action on the one side, and they may make cross releases by deed or parole, but never dissolve the contract; for there is a difference between dissolving the contract, and release or surrender of the thing contracted for: as if lessee for twenty years make a lease for ten years, and after he take a lease for five years, yet this cannot inure by way of surrender: for a petty lease derived out of a greater cannot be surrendered back again, but inureth only by dissolution of contract; for a lease of land is but a contract executory from time to time of the profits of the land, to arise as a man may sell his corn or his tithe to spring or to be perceived for divers future years.

F. 36 Eliz.

But to return from our digression: on the other side, if I contract with you for cloth at such a price as I. S. shall name; there if I. S. refuse to name, the contract is void; but the parties cannot discharge it, because they have put it in the power of a third person to perfect.

11 H. 7. 19. 1 R. 2. F. attu. So if I grant my reversion, though this be an imperfect act before attornment; yet because the atturnment is the act of a stranger, this is not simply revocable, but by a policy or circumstance in law, as by levying a fine, or making a bargain and sale, or the like.

31 Ed. 1. F. Q Imp 185. 14 Ed. 4. 2. 39 Ed. 3. 35. 14 Ed. 4. 2. So if I present a clerk to the bishop, now can I not revoke this presentation, because I have put it out of myself, that is, the bishop, by admission, to perfect my act begun.

The same difference appeareth in nominations and elections; as if I enfeoff such a one as I. D. shall name within a year, and I. D. name I. B. yet before the feoffment, and within the year, I. D. may countermand his nomination, and name again, because no interest passeth out of him. But if I enfeoff I. S. to the use of such a one as I. D. shall name within a year, then if I. D. name I. B. it is not revocable, because the use passeth presently by operation of law.

So in judicial acts the rule of the civil law holdeth *sententia interlocutoria revocari potest*, that is, that an order may be revoked, but a judgment cannot; and the reason is, because there is title of execution or bar given presently unto the party upon judgment, and so it is out of the judge to revoke, in courts ordered by the common law.

REGULA XXI.

Clausula vel dispositio inutilis per presumptionem remotam vel causam ex post facto non fulcitur.

Clausula vel dispositio inutilis are said when the act or the words do work or express no more than the law by intendment would have supplied; and therefore the doubling or iterating of that and no more, which the conceit of law doth in a sort prevent and preoccupate, is reputed nugation, and is not supported, and made of substance either by a foreign intendment of some purpose, in regard whereof it might be material, nor upon any cause emerging afterwards, which may induce an operation of those idle words.

32 H. 8. Coord 39. Ber. 2. M. Br. devises, 41. And therefore if a man demise land at this day to his son and heir, this is a void devise, because the disposition of law did cast the same upon the heir by descent; and yet if it be knight's service land, and the heir within age, if he take by the devise, he shall have two parts of the profits to his own use, and the guardian shall have benefit but of the third; but if a man devise land to his two daughters, having no sons, then the devise is good, because he doth alter the disposition of law; for by the law they shall take in copercenary, but by the devise they shall take jointly; and this is not any foreign collateral purpose, but in point of taking of estate. 29 H. 8. Dy. 12.

So if a man make a feoffment in fee to the use of his last will and testament, these words of special limitation are void, and the law reserveth the ancient use to the feoffor and his heirs; and yet if the words might stand, then might it be authority by his will to declare and appoint uses, and then though it were knight's service land, he might dispose the whole. As if a man make a feoffment in fee, to the use of the will and testament of a stranger, there the stranger may declare a use of the whole by his will, notwithstanding it be knight's service land; but the reason of the principal case is, because uses before the statute of 27 H. 8. were to have been disposed by will, and therefore before that statute a use limited in the form aforesaid, was but a frivolous limitation, in regard of the old use that the law reserved was deviseable; and the statute of 27 altereth not the law, as to the creating and limiting of any use, and therefore after that statute, and before the statute of wills, when no land could have been devised, yet was it a void limitation as before, and so continueth to this day. 19 H. 8. 11. 5 Ed. 4 8.

But if I make a feoffment in fee to the use of my last will and testament, thereby to declare an estate tail and no greater estate, and after my death, and after such estate declared shall expire, or in default of such declaration then to the use of I. S. and his heirs, this is a good limitation; and I may by my will declare a use of the whole land to a stranger, though it be held in knight's service, and yet I have an estate in fee simple by virtue of the old use during life. 19 H. 8 11. 6 Ed. 4. 8.

So if I make a feoffment in fee to the use of my right heirs, this is a void limitation, and the use reserved by the law doth take place: and yet if the limitation should be good the heir should come in by way of purchase, who otherwise cometh in by descent; but this is but a circumstance which the law respecteth not, as was proved before. 32 H. 8. 43. Dy. 20 H. 8. 8. Dy. 7 Eliz. 237. Dy.

But if I make a feoffment in fee to the use of my right heirs, and the right heirs of I. S. this is a good use, because I have altered the disposition of law; neither is it void for a moiety, but both our right heirs when they come in being shall take by joint purchase; and he to whom the first falleth shall take the whole, subject nevertheless to his companion's title, so it have not descended from the first heir to the heir of the heir: for a man cannot be joint-tenant claiming by purchase, and the other by descent, because they be several titles. 10 El. 274. Dy. 2 Ed. 3. 29. 30 E. 1 Fitz. Devise, 9.

So if a man having land on the part of his

mother make a feoffment in fee to the use of himself and his heirs, this use, though expressed, shall not go to him and the heirs of the part of his father as a new purchase, no more than it should have done if it had been a feoffment in fee nakedly without consideration, for the intendment is remote. But if baron and feme be, and they join in a fine of the feme's land, and express a use to the husband and wife and their heirs: this limitation shall give a joint estate by intierties to them both, because the intendment of law would have conveyed the use to the feme alone. And thus much touching foreign intendments.

4 M. 133. pl. 6 Dyer.

5 Ed. 4. 8. 19 H. 8. 11.

For matter *ex post facto*, if a lease for life be made to two, and the survivor of them, and they after make partition: now these words (and the survivor of them) should seem to carry purpose as a limitation, that either of them should be stated of his part for both their lives severally; but yet the law at the first construeth the words but words of dilating to describe a joint estate; and if one of them die after partition, there shall be no occupant, but his part shall revert.

30 Ass. 8. Fitz. part 16. 31 H. 8. 46. Pl. 7. Dy.

So if a man grant a rent charge out of ten acres, and grant further that the whole rent shall issue out of every acre, and distress accordingly, and afterwards the grantee purchase an acre: now this clause should seem to be material to uphold the rent; but yet nevertheless the law at first accepteth of these words but as words of explanation, and then notwithstanding the whole rent is extinct.

So if a gift in tail be made upon condition, that if tenant in tail die without issue, it shall be lawful for the donor to enter; and the donee discontinue and die without issue; now this condition should seem material to give him benefit of entry, but because it did at the first limit the estate according to the limitation of law, it worketh nothing upon this matter emergent afterward.

4 Ed. 6. Com. 33. per Hinde. 27 H. 8. 6.

So if a gift in tail be made of lands held in knight's service with an express reservation of the same service, whereby the land is held over, and the gift is with warranty, and the land is evicted, and other land recovered in value against the donor, held in socage, now the tenure which the law makes between the donor and donee shall be in socage, and not in knight's service, because the first reservation was according to the owelty of service, which was no more than the law would have reserved.

22 Ass. Pl. 52.

But if a gift in tail had been made of lands held in socage with a reservation of knight's service tenure, and with warranty, then, because the intendment of law is altered, the new land shall be held by the same service the last land was, without any regard at all to the tenure paramount: and thus much of matter *ex post facto*.

This rule faileth where that the law saith as much as the party, but upon foreign matter not pregnant and appearing upon the same act and conveyance, as if lessee for life be, and he lets for twenty years, if he live so long; this limitation (if he live so long) is no more than the law saith, but it doth not appear upon the same conveyance or act, that this limitation is nugatory, but it is foreign matter in respect of the truth of the state whence the lease is derived: and, therefore, if lessee for life make a feoffment in fee, yet the state of the lease for years is not enlarged against the feoffee; otherwise had it been if such limitation had not been, but that it had been left only to the law.

18 H. 7. 4. per Keble. 24 Ed. 3. 28. Fitz. pl. 89.

So if tenant after possibility make a lease for years, and the donor confirms to the lessee to hold without impeachment of waste during the life of tenant in tail, this is no more than the law saith; but the privilege of tenant after possibility is foreign matter, as to the lease and confirmation: and therefore if tenant after possibility do surrender, yet the lessee shall hold dispunishable of waste; otherwise had it been if no such confirmation at all had been made.

Also heed must be given that it be indeed the same thing which the law intendeth, and which the party expresseth, and not like or resembling, and such as may stand both together: for if I let land for life rendering a rent, and by my deed warrant the same land, this warranty in law and warranty in deed are not the same thing, but may both stand together.

20 Ed. 2. Fitz. 7. 21 Ed. 1. Zouch. 289.

There remaineth yet a great question on this rule.

A principal reason whereupon this rule is built, should seem to be, because such acts or clauses are thought to be but declaratory, and added upon ignorance and *ex consuetudine clericorum*, upon observing of a common form, and not upon purpose or meaning, and therefore whether by particular and precise words a man may not control the intendment of the law.

To this I answer, that no precise or express words will control this intendment of law; but as the general words are void, because they say contrary to that the law saith; so are they which are thought to be against the law: and therefore if I devise my land being knight's service tenure to my heir, and express my intention to be, that the one part should descend to him as the third appointed by statute, and the other he shall take by devise to his own use; yet this is void: for the law saith, he is in by descent of the whole, and I say he shall be in by devise, which is against the law.

But if I make a gift in tail, and say upon condition, that if tenant in tail discontinue and after die without issue, it shall be lawful for me to enter; this is a good clause

Lit. pl. 362.

to make a condition, because it is but in one case, and doth not cross the law generally: for if the tenant in tail in that case be disseised, and a descent cast, and die without issue, I that am the donor shall not enter.

But if the clause had been provided, that if tenant in tail discontinue, or suffer a descent, or do any other fact whatsoever, that after his death without issue it shall be lawful for me to enter: now this is a void condition, for it importeth a repugnancy to law; as if I would over-rule that where the law saith I am put to my action, I nevertheless will reserve to myself an entry.

REGULA XXII.

Non videtur consensum retinuisse si quis ex præscripto minantis aliquid immutavit.

ALTHOUGH choice and election be a badge of consent, yet if the first ground of the act be duresse, the law will not construe that the duresse doth determine, if the party duressed do make any motion or offer.

Therefore if a party menace me, except I make unto him a bond of forty pounds, and I tell him that I will not do it, but I will make unto him a bond of twenty pounds, the law shall not expound this bond to be voluntary, but shall rather make construction that my mind and courage is not to enter into the greater bond for any menace, and yet that I enter by compulsion notwithstanding into the lesser.

But if I will draw any consideration to myself, as if I had said, I will enter into your bond of forty pounds, if you will deliver me that piece of plate, now the duresse is discharged; and yet if it had been moved from the duressor, who had said at the first, You shall take this piece of plate, and make me a bond of forty pounds, now the gift of the plate had been good, and yet the bond shall be avoided by duresse.

REGULA XXIII.

Ambiguitas verborum latens verificatione suppletur; nam quod ex facto oritur ambiguum verificatione facti tollitur.

THERE be two sorts of ambiguities of words, the one is *ambiguitas patens*, and the other *latens*. *Patens* is that which appears to be ambiguous upon the deed or instrument; *latens* is that which seemeth certain and without ambiguity, for any thing that appeareth upon the deed or instrument; but there is some collateral matter out of the deed that breedeth the ambiguity.

Ambiguitas patens is never holpen by averment, and the reason is, because the law will not couple and mingle matter of specialty, which is of the higher account, with matter of averment, which is of inferior account in law; for that were to make all deeds hollow, and subject to averments, and so in effect, that to pass without deed, which the law appointeth shall not pass but by deed.

Therefore if a man give land to *I. D. et I. S. et hæredibus*, and do not limit to whether of their heirs, it shall not be supplied by averment to whether of them the intention was the inheritance should be limited.

So if a man give land in tail, though it be by will, the remainder in tail, and add a *proviso* in this manner: Provided that if he, or they, or any of them do any, &c. according to the usual clauses of perpetuities, it cannot be averred upon the ambiguities of the reference of this clause, that the intent of the devisor was, that the restraint should go only to him in the remainder, and the heirs of his body; and that the tenant in tail in possession was meant to be at large.

Of these infinite cases might be put, for it holdeth generally that all ambiguity of words by matter within the deed, and not out of the deed, shall be holpen by construction, or in some case by election, but never by averment, but rather shall make the deed void for uncertainty.

But if it be *ambiguitas latens*, then otherwise it is: as if I grant my manor of S. to I. F. and his heirs, here appeareth no ambiguity at all; but if the truth be, that I have the manors both of South S. and North S. this ambiguity is matter in fact, and therefore shall be holpen by averment, whether of them was that the party intended should pass.

So if I set forth my land by quantity, then it shall be supplied by election, and not averment.

As if I grant ten acres of wood in sale, where I have a hundred acres, whether I say it in my deed or not, that I grant out of my hundred acres, yet here shall be an election in the grantee, which ten he will take.

And the reason is plain, for the presumption of the law is, where the thing is only nominated by quantity, that the parties had indifferent intentions which should be taken, and there being no cause to help the uncertainty by intention, it shall be holpen by election.

But in the former case the difference holdeth, where it is expressed and where not; for if I recite, Whereas I am seised of the manor of North S. and South S. I lease unto you *unum manerium de S.* there it is clearly an election. So if I recite, Where I have two tenements in St. Dunstan's, I lease unto you *unum tenementum*, there it is an election, not averment of intention, except the intent were of an election, which may be specially averred.

Another sort of *ambiguitas latens* is correlative unto these: for this ambiguity spoken of before, is when one name and appellation doth denominate divers things, and the second, when the same thing is called by divers names.

As if I give lands to Christ-Church in Oxford, and the name of the corporation is *Ecclesia Christi*

in Universitate Oxford, this shall be holpen by averment, because there appears no ambiguity in the words: for this variance is matter in fact, but the averment shall not be of intention, because it doth stand with the words.

For in the case of equivocation the general intent includes both the special, and therefore stands with the words: but so it is not in variance, and therefore the averment must be of matter, that do endure quantity, and not intention.

As to say, of the precinct of Oxford, and of the University of Oxford, is one and the same, and not to say that the intention of the parties was, that the grant should be to Christ-Church in that University of Oxford.

REGULA XXIV.

Licita bene miscentur, formula nisi juris obstet.

The law giveth that favour to lawful acts, that although they be executed by several authorities, yet the whole act is good.

As when tenant for life is the remainder in fee, and they join in a livery by deed or without, this is one good entire livery drawn from them both, and doth not inure to a surrender of a particular estate, if it be without deed* or confirmation of those in the remainder, if it be by deed; but they are all parties to the livery.

So if tenant for life the remainder in fee be, and they join in granting a rent, this is one solid rent out of both their estates, and no double rent, or rent by confirmation.

So if tenant in tail be at this day, and he make a lease for three lives, and his own, this is a good lease, and warranted by the statute of 32 H. VIII. and yet it is good in part by the authority which tenant in tail hath by the common law, that is for his own life, and in part by the authority which he hath by the statute, that is, for the other three lives.

Quære.

So if a man, seised of lands deviseable by custom, and of other land held in knight's service, and devise all his lands, this is a good devise of all the land customary by the common law, and of two parts of the other land by the statutes.

So in the Star Chamber a sentence may be good, grounded in part upon the authority given the court by the statute of 3 H. VII. and in part upon that ancient authority which the court hath by the common law, and so upon several commissions.

But if there be any form which the law appointeth to be observed, which cannot agree with the diversities of authorities, then this rule faileth.

As if three coparceners be, and one of them alien her purparty, the feoffee and one of the sisters cannot join in a writ *de part' facienda*, because it behoveth the feoffee to mention the statute in his writ.

Vide 1 Instit. 166. b.

REGULA XXV.

Præsentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis.

There be three degrees of certainty.

1. Presence.
2. Name.
3. Demonstration or reference.

Whereof the presence the law holdeth of greatest dignity, the name in the second degree, and the demonstration or reference in the lowest, and always the error or falsity in the less worthy.

And therefore if I give a horse to I. D. being present, and say unto him, I. S. take this, this is a good gift, notwithstanding I call him by a wrong name: but so had it not been if I had delivered him to a stranger to the use of I. S. where I meant I. D.

So if I say unto I. S. Here I give you my ring with the ruby, and deliver it with my hand, and the ring bear a diamond and no ruby, this is a good gift notwithstanding I name it amiss.

So had it been if by word or writing, without the delivery of the thing itself, I had given the ring with the ruby, although I had no such, but only one with a diamond, which I meant, yet it would have passed.

So if I by deed grant unto you, by general words, all the lands that the king hath passed unto me by letters patents, dated 10 May, unto this present indenture annexed, and the patent annexed have date 10 July, yet if it be proved that that was the true patent annexed, the presence of the patent maketh the error of the date recited not material; yet if no patent had been annexed, and there had been also no other certainty given, but the reference of the patent, the date whereof was misrecited, although I had no other patent ever of the king, yet nothing would have passed.

Like law is it, but more doubtful, where there is not a presence, but a kind of representation, which is less worthy than a presence, and yet more worthy than a name or reference.

As if I covenant with my ward, that I will tender unto him no other marriage than the gentlewoman whose picture I delivered him, and that picture hath about it *ætatis suæ anno* 16, and the gentlewoman is seventeen years old; yet nevertheless, if it can be proved that the picture was made for that gentlewoman, I may notwithstanding this mistaking, tender her well enough.

So if I grant you for life a way over my land, according to a plot intended between us, and after I grant unto you and your heirs a way ac-

* Semble cleerement le ley d'estre contrary in ambideux cases, car lou est sans fait est livery solement de cestui in le rem' et surr' de partic' ten' auterment serra forfeiture de son estate, et lou est per fait, le livery passa solement de tenant, car il ad le frank tenement, vide accordant. Sn[r]. Co. lib. 1. 76. b. 77. a. Com. Plow. 59. A. 140. 2 H. 5. 7. 13 H. 7. 14. 13 Ed. 4. 4. a. 27 H. 8. 13. M. 16. et 17. El. Dy. 339.

cording to the first plot intended, whereof a table is annexed to these presents, and there be some special variance between the table and the original plot, yet this representation shall be certainty sufficient to lead unto the first plot; and you shall have the way in fee nevertheless, according to the first plot, and not according to the table.

So if I grant unto you by general words the land which the king hath granted me by his letters patents, *quarum tenor sequitur in hæc verba*, &c. and there be some mistaking in the recital and variance from the original patent, although it be in a point material, yet the representation of this whole patent shall be as the annexing of the true patent, and the grant shall not be void by this variance.

Now for the second part of this rule, touching the name and the reference, for the explaining thereof, it must be noted what things sound in demonstration or addition: as first in lands, the greatest certainty is, where the land hath a name proper, as, the manor of Dale, Granfield, &c. the next is equal to that, when the land is set forth by bounds and abuttals, as a close of pasture bounding on the east part upon Emsden Wood, on the south upon, &c. It is also a sufficient name to lay the general boundary, that is, some place of larger precinct, if there be no other land to pass in the same precinct, as all my lands in Dale, my tenement in St. Dunstan's parish, &c.

A farther sort of denomination is to name land by the attendancy they have to other lands more notorious, as parcel of my manor of D. belonging to such a college lying upon Thames' Bank.

All these things are notes found in denomination of lands, because they be signs to call, and therefore of property to signify and name a place: but these notes that sound only in demonstration and addition, are such as are but transitory and accidental to the nature of the place.

As *modo in tenura et occupatione* of the proprietary, tenure or possessor is but a thing transitory in respect of land; *Generatio venit, generatio migrat, terra autem manet in æternum.*

So likewise matter of conveyance, title, or instrument.

As, *quæ perquisivi de I. D. quæ descendebant à I. N. patre meo*, or, *in prædicta indentura dismissionis*, or, *in prædictis literis patentibus specificat'*.

So likewise, *continent' per æstimationem* 20 *acras*, or if (*per æstimationem*) be left out, all is one, for it is understood, and this matter of measure, although it seem local, yet it is indeed but opinion and observation of men.

The distinction being made, the rule is to be examined by it.

Therefore if I grant my close called Dale, in the parish of Hurst, in the county of Southampton, and the parish likewise extendeth into the county of Berkshire, and the whole close of Dale lieth in the county of Berkshire; yet because the parcel is especially named, the falsity of the addition hurteth not, and yet this addition is found in name, but (as it was said) it was less worthy than a proper name.

So if I grant *tenementum meum*, or *omnia tenementa mea*, (for the universal and indefinite to this purpose are all one) *in parochia Sancti Butolphi extra Aldgate* (where the verity is *extra Bishopsgate*) *in tenura Guilielmi*, which is true, yet this grant is void, because that which sounds in denomination is false, which is the more worthy; and that which sounds in addition is true, which is the less;* and though *in tenura Guilielmi*, which is true, had been first placed, yet it had been all one.

But if I grant *tenementum meum quod perquisivi de R. C. in Dale*, where the truth was T. C. and I have no other tenements in D. but one, this grant is good, because that which soundeth in name (namely, *in Dale*) is true, and that which sounded in addition (*viz. quod perquisivi*, &c.) is only false.

Vide ib. quæ contraria est lex, car icy auxi le primer certainty est faux.

So if I grant *prata mea in Sale continentia* 10 *acras*, and they contain indeed 20 acres, the whole twenty pass.

So if I grant all my lands, being parcels *manerii de D. in prædictis literis patentibus specificat'*, and there be no letters patents, yet the grant is good enough.

The like reason holds in demonstrations of persons, that have been declared in demonstration of lands and places, the proper name of every one is in certainty worthiest: next are such appellations as are fixed to his person, or at least of continuance, as, son of such a man, wife of such a husband; or addition of office, as, clerk of such a court, &c.: and the third are actions or accidents, which sound no way in appellation or name, but only in circumstance, which are less worthy, although they may have a poor particular reference to the intention of the grant.

And therefore if an obligation be made to I. S. *filio et hæredi G. S.* where indeed he is a bastard, yet this obligation is good.

So if I grant land *Episcopo nunc Londinensi qui me erudivit in pueritia*, this is a good grant, although he never instructed me.

But *è converso*, if I grant land to I. S. *filio et hæredi G. S.* and it be true that he is son and heir unto G. S. but his name is Thomas, this is a void grant.

Or if in the former grant it was the Bishop of Canterbury who taught me in my childhood, yet shall it be good (as was said) to the Bishop of London, and not to the Bishop of Canterbury.

The same rule holdeth of denomination of times, which are such a day of the month, such a day

* Semble icy le grant ust este assets bon, come fuit resolu per Cur', Co. lib. 3. fol. 10. a vide. 33 H. 8. Dy. 50. b. 12 El. ib 292. b. et Co. lib. 2. fo. 33. a.

of the week, such a Saint's day or eve, to-day, to-morrow; these are names of times.

But the day that I was born, the day that I was married; these are but circumstances and addition of times.

And therefore if I bind myself to do some personal attendance upon you upon Innocents' day, being the day of your birth, and you were not born that day, yet shall I attend.

There resteth two questions of difficulty yet upon this rule: first, Of such things whereof men take not so much note as that they shall fail of this distinction of name and addition.

As, my box of ivory lying in my study sealed up with my seal of arms; my suit of arras with the story of the nativity and passion: of such things there can be no name but all is of description, and of circumstance, and of these I hold the law to be, that precise truth of all recited circumstances is not required.

But in such things *ex multitudine signorum colligitur identitas vera*, therefore though my box were sealed, and although the arras had the story of the nativity, and not of the passion, if I had no other box, nor no other suit, the gifts are good; and there is certainty sufficient, for the law doth not expect a precise description of such things as have no certain denomination.

Secondly, Of such things as do admit the distinction of name and addition, but the notes fall out to be of equal dignity all of name or addition.

As *prata mea juxta communem fossam in D.* whereof the one is true, the other false; or *tenementum meum in tenura Guilielmi quod perquisivi de R. C. in prædict' indent' specificat'*, whereof one is true, and two are false; or two are true, and one false.

So *ad curiam quam tenebat die Mercurii tertio die Martii*, whereof the one is true, the other false.

In these cases the former rule, *ex multitudine signorum*, &c. holdeth not; neither is the placing of the falsity or verity first or last material, but all must be true, or else the grant is void; always understood, that if you can reconcile all the words, and make no falsity, that is quite out of this rule, which hath place only where there is a direct contrariety or falsity not to be reconciled to this rule.

Vide livers avant dit pur ceat auxi.

As if I grant all my land in D. *in tenura I. S.* which I purchased of I. N. specified in a devise to I. D. and I have land in D. whereof in part of them all these circumstances are true, but I have other lands in D. wherein some of them fail, this grant will not pass all my land in D. for there these are references, and no words of falsity or error, but of limitation and restraint.

THE

USE OF THE LAW,

PROVIDED FOR

PRESERVATION OF OUR PERSONS, GOODS, AND GOOD NAMES.

ACCORDING TO THE

PRACTICE OF THE LAWS AND CUSTOMS OF THIS LAND.

The use of the law, and wherein it principally consisteth.

THE use of the law consisteth principally in these three things:

I. To secure men's persons from death and violence.

II. To dispose the property of their goods and lands.

III. For preservation of their good names from shame and infamy.

Surety to keep the peace.

For safety of persons, the law provideth that any man standing in fear of another, may take his oath before a justice of peace, that he standeth in fear of his life, and the justice shall compel the other to be bound with sureties to keep the peace.

Action of the case, for slander, battery, &c.

If any man beat, wound, or maim another, or give false scandalous words that may touch his credit, the law giveth thereupon an action of the case, for the slander of his good name; and an action of battery, or an appeal of maim, by which recompense shall be recovered, to the value of the hurt, damage, or danger.

Appeal of murder given to the next of kin.

If any man kill another with malice, the law giveth an appeal to the wife of the dead, if he had any, or to the next of kin that is heir in default of a wife, by which appeal the defendant convicted is to suffer death, and to lose all his lands and goods. But if the

wife or heir will not sue or be compounded withal, yet the king is to punish the offence by indictment or presentment of a lawful inquest and trial of the offenders before competent judges; whereupon being found guilty, he is to suffer death, and to lose his lands and goods.

Manslaughter, and when a forfeiture of goods, and when not.

If one kill another upon a sudden quarrel, this is manslaughter, for which the offender must die, except he can read; and if he can read, yet must he lose his goods, but no lands.

And if a man kill another in his own defence, he shall not lose his life, nor his lands, but he must lose his goods, except the party slain did first assault him, to kill, rob, or trouble him by the highway side, or in his own house, and then he shall lose nothing.

Felon. de se.

And if a man kill himself, all his goods and chattels are forfeited, but no lands.

Felony by chance.

If a man kill another by misfortune, as shooting an arrow at a butt or mark, or casting a stone over a house, or the like, this is loss of his goods and chattels, but not of his lands, nor life.

Deodand.

If a horse, or cart, or a beast, or any other thing do kill a man, the horse, beast, or other thing, is forfeited to the crown, and is called a deodand, and usually granted and allowed by the king to the Bishop Almner, as goods are of those that kill themselves.

Cutting out of tongues, and putting out of eyes, made felony.

The cutting out of a man's tongue, or putting out his eyes maliciously, is felony; for which the offender is to suffer death, and lose his lands and goods.

But for that all punishment is for example's sake; it is good to see the means whereby offenders are drawn to their punishment; and first for the matter of the peace.

The ancient laws of England planted here by the conqueror were, that there should be officers of two sorts in all the parts of this realm to preserve the peace:—

1. *Constabularii* } *Pacis.*
2. *Conservatores* }

The office of the constable.

The office of the constable was, to arrest the parties that he had seen breaking the peace, or in fury ready to break the peace, or was truly informed by others, or by their own confession, that they had freshly broken the peace; which persons he might imprison in the stocks, or in his own house, as his or their quality required, until they had become bounden with sureties to keep the peace; which obligation from thenceforth was to be sealed and delivered to the constable to the use of the king. And that the constable was to send to the king's Exchequer or Chancery, from whence process should be awarded to levy the debt, if the peace were broken.

But the constable could not arrest any, nor make any put in bond upon complaint of threatening only, except they had seen them breaking the peace, or had come freshly after the peace was broken. Also, these constables should keep watch about the town for the apprehension of rogues and vagabonds, and night-walkers, and eves-droppers, scouts, and such like, and such as go armed. And they ought likewise to raise hue and cry against murderers, manslayers, thieves, and rogues.

2. High constables for every hundred. 1. Petty constable for every village.

Of this office of constable there were high constables, two of every hundred; petty constables, one in every village; they were, in ancient time, all appointed by the sheriff of the shire yearly, in his court called the Sheriff's Tourn, and there they received their oath. But at this day they are appointed either in the law-day of that precinct wherein they serve, or else by the high constable in the sessions of the peace.

The King's Bench first instituted, and in what matters they anciently had jurisdiction.

The sheriff's Tourn is a court very ancient, incident to his office. At the first, it was erected by the conqueror, and called the King's Bench, appointing men studied in the knowledge of the laws to execute justice, as substitutes to him in his name, which men are to be named, *Justiciarii ad placita coram Rege assignati.* One of them being *Capitalis Justiciarius* called to his fellows; the rest in number as pleaseth the king, of late but three *Justiciarii*, holden by patent. In this court every man above twelve years of age was to take his oath of allegiance to the king, if he were bound, then his lord to answer for him. In this court the constables were appointed and sworn; breakers of the peace punished by fine and imprisonment, the parties beaten or hurt recompensed upon complaints of damages; all appeals of murder, maim, robbery, decided; contempts against the crown, public annoyances against the people, treasons and felonies, and all other matters of wrong, betwixt party and party, for lands and goods.

Court of Marshal's erected, and its jurisdiction within twelve miles of the chief tunnel of the king, which is the full extent of the virge.

But the king seeing the realm grow daily more and more populous, and that this one court could not dispatch all, did first ordain that his marshal should keep a court for controversies arising within the virge; which is within twelve miles of the chiefest tunnel of the court, which did but ease the King's Bench in matters only concerning debts, covenants, and such like, of those of the king's household only, never dealing in breaches of the peace, or concerning the crown by any other persons, or any pleas of lands. Insomuch as the king, for further ease, having divided this kingdom into counties, and committing the charge of every county to a

Sheriff's Tourn instituted upon the division of England into counties, the charge of this court was committed to the earl of the same county: this was likewise called *Curia Visus fra. pleg.*

lord or earl, did direct that those earls, within their limits, should look to the matter of the peace, and take charge of the constables, and reform public annoyances, and swear the people to the crown, and take pledges of the freemen for their allegiance, for which purpose the county did once every year keep a court, called the Sheriff's Tourn; at which all the county (except women, clergy, children under twelve, and not aged above sixty) did appear to give or renew their pledges of allegiance. And the court was called *Curia Franci Plegii*, a view of the Pledges of Freemen; or, *Turnus Comitatus*.

Subdivision of the county court into hundreds.

The charge of the county taken from the earls, and committed yearly to such persons as it pleased the king.

At which meeting or court there fell, by occasion of great assemblies, much bloodshed, scarcity of victuals, mutinies, and the like mischiefs which are incident to the congregations of people, by which the king was moved to allow a subdivision of every county into hundreds, and every hundred to have a court, whereunto the people of every hundred should be assembled twice a year for survey of pledges, and use of that justice which was formerly executed in that grand court for the county; and the count or earl appointed a bailiff under him to keep the hundred court. But, in the end, the kings of this realm found it necessary to have all execution of justice immediately from themselves, by such as were more bound than earls to that service, and readily subject to correction for their negligence or abuse; and therefore took to themselves the appointing of a sheriff yearly in every county, calling them *vicecomites*, and to them directed such writs and precepts for executing justice in the county as fell out needful to have been despatched, committing to the sheriff *custodium comitatus*; by which the earls were spared of their toils and labours, and that was laid upon the sheriffs. So as now the sheriff doth all the king's business in the county, and that is now called the Sheriff's Tourn; that is to say, he is judge of this grand court for the county, and also of all hundred courts not given away from the crown.

The sheriff is judge of all hundred courts not given away from the crown.

County Court kept monthly by the sheriff.

He hath another court, called the County Court, belonging to his office, wherein men may sue monthly for any debt or damages under forty pounds, and may have writs for to replevy their cattle distrained and impounded by others, and there try the cause of their distress; and by a writ called *Justicies*, a man may sue for any sum; and in this court the sheriff, by a writ called an exigent, doth proclaim men sued in courts above to render their bodies, or else they be outlawed.

The office of the sheriff.

This sheriff doth serve the king's writs of process, be they summons, attachments to compel men to answer to the law, and all writs of execution of the law, according to judgments of superior court, for taking of men's goods, lands, or bodies, as the cause requireth.

Hundred courts to whom they were at first granted.

The hundred courts were most of them granted to religious men, noblemen, and others of great place. And also many men of good quality have attained by charter, and some by usage, within manors of their own liberty, of keeping law days, and to use there justice appertaining to a law day.

Lord of the hundred to appoint two high constables.

Whosoever is lord of the hundred court is to appoint two high constables of the hundred, and also is to appoint in every village a petty constable, with a tithing man to attend in his absence, and to be at his commandment when he is present in all services of his office for his assistance.

Of what matters they inquire of in leets and law-days.

There have been by use and statute law (besides surveying of the pledges of freemen, and giving the oath of allegiance, and making constables) many additions of powers and authority given to the stewards of leets and law-days to be put in ure in their courts; as for example, they may punish innkeepers, victuallers, bakers, butchers, poulterers, fishmongers, and tradesmen of all sorts selling with under weights or measures, or at excessive prices, or things unwholesome, or ill made in deceit of the people. They may punish those that do stop, straiten, or annoy the highways, or do not, according to the provision enacted, repair or amend them, or divert water courses, or destroy fry of fish, or use engines or nets to take deer, conies, pheasants, or partridges, or build pigeon houses, except he be lord of the manor, or parson of the church. They may also take presentment upon oath of the twelve sworn jury before them of all felonies; but they cannot try the malefactors, only they must by indenture deliver over those presentments of felony to the judges, when they come their circuits into that county. All those courts before mentioned are in use, and exercised as law at this day, concerning the sheriffs' law days and leets, and the offices of high constables, petty constables and tithing men; howbeit, with some further additions by statute laws, laying charge upon them for taxation for poor, for soldiers, and the like, and dealing without corruption, and the like.

Conservators of the peace called by the king's writ for term of their lives, or at the king's pleasure.

Conservators of the peace were in ancient times certain, which were assigned by the king to see the peace maintained, and they were called to the office by the king's writ, to continue for term of their lives, or at the king's pleasure.

Conservators of the peace, and what their of-

For this service, choice was made of the best men of calling in the country, and but few in the shire. They might bind any man to keep the peace, and to good behaviour, by recognisance to the king, with

sureties; and they might by warrant send for the party, directing their warrant to the sheriff or constable, as they please, to arrest the party, and bring him before them. This they used to do when complaint was made by any that he stood in fear of another, and so took his oath; or else, where the conservator himself did, without oath or complaint, see the disposition of any man inclined to quarrel and breach of the peace, or to misbehave himself in some outrageous manner of force or fraud, there, by his own discretion, he might send for such a fellow, and make him find sureties of the peace, or of his good behaviour, as he should see cause; or else commit him to the gaol if he refused.

Conservators of the peace by virtue of their office.

The judges of either bench in Westminster, barons of the Exchequer, master of the rolls, and justices in eyre and assizes in their circuits, were all, without writ, conservators of the peace in all shires of England, and continue to this day.

Justices of peace ordained in lieu of conser- Power of placing and displacing just. of peace by use delegated from the king to the chancellor.

But now at this day conservators of the peace are out of use, and in lieu of them there are ordained justices of peace, assigned by the king's commissions in every county, which are moveable at the king's pleasure; but the power of placing and displacing justices of the peace is by use delegated from the king to the chancellor.

That there should be justices of the peace by commissions, it was first enacted by a statute made 1 Edward III. and their authority augmented by many statutes made since in every king's reign.

The power of the justices of peace to fine the offenders to the crown, and not to recompense the party grieved. Parl. Stat. 17. R. 2. cap. 10 & v. *Dier*, 69 b. Ils. ount poiar d'inquier de murder car. ce felon.

They are appointed to keep four sessions every year; that is every quarter one. These sessions are a sitting of the justices to despatch the affairs of their commissions. They have power to hear and determine in their sessions all felonies, breaches of the peace, contempts, and trespasses, so far as to fine the offender to the crown, but not to award recompense to the party grieved.

Authority of the justices of peace, through whom run all the county services unto the crown.

They are to suppress riots and tumults, to restore possessions forcibly taken away, to examine all felons apprehended and brought before them; to see impotent poor people, or maimed soldiers provided for according to the laws, and rogues, vagabonds, and beggars punished. They are both to license and suppress alehouses, badgers of corn and victuals, and to punish forestallers, regrators, and engrossers.

Through these in effect run all the county services to the crown, as taxations of subsidies, mustering men, arming them, and levying forces, that is done by a special commission or precept from the king. Any of these justices, by oath taken by a man that he standeth in fear that another man will beat him, or kill him, or burn his house, are to send for the party by warrant of attachment, directed to the sheriff or constable, and then to bind the party with sureties by recognisance to the king to keep the peace, and also to appear at the next sessions of the peace; at which next sessions, when every justice of peace hath therein delivered all their recognisances so taken, then the parties are called, and the cause of binding to the peace examined, and both parties being heard, the whole bench is to determine as they see cause, either to continue the party so bound, or else to discharge him.

Beating, killing, burning of houses, attachments for surety of the peace.

Recognisance of the peace delivered by the justices at their sessions.

Quarter sessions held by the justices of the peace.

The justices of peace in their sessions are attended by the constables and bailiffs of all hundreds and liberties within the county, and by the sheriff or his deputy, to be employed as occasion shall serve in executing the precepts and directions of the court. They proceed in this sort: the sheriff doth summon twenty-four freeholders, discreet men of the said county, whereof some sixteen are selected and sworn, and have their charge to serve as the grand jury, the party indicted is to traverse the indictment, or else to confess it, and so submit himself to be fined as the court shall think meet, (regard had to the offence,) except the punishment be certainly appointed, as often it is, by special statutes.

The justices of peace are many in every county, and to them are brought all traitors, felons, and other malefactors of any sort upon their first apprehension, and that justice to whom they are brought examineth them, and heareth their accusations, but judgeth not upon it; only if he find the suspicion but light, then he taketh bond, with sureties of the accused, to appear either at the next assizes, if it be matter of treason or felony, or else at the quarter sessions, if it be concerning riot or misbehaviour, or some other small offence. And he also then bindeth to appear those that give testimony and prosecute the accusation, all the accusers and witnesses, and so setteth the party at large. And at the assizes or sessions (as the case falleth out) he certifieth the recognisances taken of the accused, accusers, and witnesses, who being there are called, and appearing, the cause of the accused is debated according to law for his clearing or condemning.

The authority of justices of the peace out of their sessions.

But if the party accused seem upon pregnant matter in the accusation, and to the justice to be guilty, and the offence heinous, or the offender taken with the manner, then the justice is to commit the party by his warrant called a *mittimus* to the gaoler of the common gaol of the county, there to remain until the assizes. And then the justice is to certify his accusation, examination, and recognisance taken for the appearances and

prosecution of the witnesses, so as the judges may, when they come, readily proceed with him as the law requireth.

Judges of assize come in place of the ancient judges in eyre about the time of R. 2.

The judges of the assizes, as they be now become into the place of the ancient justices in eyre, called *justiciarii itinerantes*, which, in the prime kings after the conquest, until Henry the Third's time especially, and after, in lesser measure, even to Richard the Second's time, did execute the justice of the realm; they began in this sort.

The king, not able to despatch business in his own person, erected the Court of King's Bench;* that not able to receive all, nor meet to draw the people all to one place, there were ordained counties and the sheriff's tourns, hundred courts, and particular leets, and law-days, as before mentioned, which dealt only with crown matters for the public; but not the private titles of lands or goods, nor the trial of grand offences, of treasons, and felonies, but all the counties of the realm were divided into six circuits. And two learned men well read in the laws of the realm were assigned by the king's commission to every circuit, and to ride twice a year through those shires allotted to that circuit, making proclamation beforehand, a convenient time in every county, of the time of their coming, and place of their sitting, to the end the people might attend them in every county of that circuit.

The authority of tourns, leets, hundreds, and law-days, as it was confirmed to some special causes touching the public good.

They were to stay three or four days in every county, and in that time all the causes of that county were brought before them by the parties grieved, and all the prisoners of the said gaol in every shire, and whatsoever controversies arising concerning life, lands, or goods.

The authority translated by parliament to justices of assize.

The authority of these judges in eyre is in part translated by act of parliament to justices of assize, which be now the judges of circuits, and they do use the same course that justices in eyre did, to proclaim their coming every half year, and the place of their sitting.

The authority of the justices of assizes much lessened by the court of Common Pleas, erected in H. 3. time.

The business of the justices in eyre, and of the justices of assize at this day is much lessened, for that, in Henry the Third's time, there was erected the Court of Common Pleas at Westminster, in which court have been ever since, and yet are begun and handled the great suits of lands, debts, benefices, and contracts, fines for assurance of lands and recoveries, which were wont to be either in the King's Bench, or else before the justices in eyre. But the statute of *Mag. Char. cap.* 11. 5. is negative against it, *viz. Communia placita non sequantur curiam nostram, sed teneantur in aliquo loco Certo;* which *locus Certus* must be the Common Pleas; yet the judges of circuits have now five commissions by which they sit.

The justices of assize have at this day five commissions by which they sit.

The first is a commission of oyer and terminer, directed unto them, and many others of the best account, in their circuits; but in this commission the judges of assize are of the *quorum*, so as without them there can be no proceeding.

1. Oyer & term. 2. Gaol delivery. 3. To take assizes. 4. To take Nisi Prius. 5. Of the peace.

This commission giveth them power to deal with treasons, murders, and all manner of felonies and misdemeanors whatsoever; and this is the largest commission that they have.

Oyer and Terminer, in which the judges are of the quorum, and this is the largest commission they have.

The second is a commission of gaol delivery; that is, only to the judges themselves, and the clerk of the assize associate: and by this commission they are to deal with every prisoner in the gaol, for what offence soever he be there; and to proceed with him according to the laws of the realm, and the quality of his offence: and they cannot, by this commission, do any thing concerning any man but those that are prisoners in the gaol.

Gaol delivery directed only to judges themselves, and the clerk of the assize.

The course now in use of execution of this commission of gaol delivery is this. There is no prisoner but is committed by some justice of peace, who, before he committed him, took his examination, and bound his accusers and witnesses to appear and prosecute at the gaol delivery. This justice doth certify these examinations and bonds, and thereupon the accuser is called solemnly into the court, and when he appeareth he is willed to prepare a bill of indictment against the prisoner, and go with it to the grand jury, and give evidence upon their oaths, he and the witnesses, which he doth; and then the grand jury write thereupon either *billa vera*, and then the prisoner standeth indicted, or else *ignoramus*, and then he is not touched. The grand jury deliver these bills to the judges in their court, and so many as they find endorsed *billa vera*, they send for those prisoners, then is every man's indictment put and read to him, and they ask him whether he be guilty or not. If he saith guilty, his confession is recorded; if he say not guilty, then he is asked how he will be tried; he answereth, by the country. Then the sheriff is commanded to return the names of twelve freeholders to the court, which freeholders be sworn to make true delivery between the king and the prisoner, and then the indictment is again read, and the witnesses sworn to speak their knowledge concerning the fact, and the prisoner

The manner of the proceeding of the justices of circuits in their circuits.

The course now in use with the judges for the execution of the commission of gaol delivery.

* 1. King's Bench. 2. Marshal's Court. 3. County Court. 4. Sheriff's Tourns. 5. Hundred Leets and Law-days. All which dealt only in crown matters; but the Justice in eyre dealt in private titles of lands or goods, and in all treasons and felonies, of whom there were twelve in number, the whole realm being divided into six circuits. England divided into six circuits, and two learned men in the laws, assigned by the king's commission to ride twice a year through those shires allotted to that circuit, for their trial of private titles to lands and goods, and all treasons and felonies, which the county courts meddle not in.

is heard at large what defence he can make, and then the jury go together and consult. And after a while they come in with a verdict of guilty or not guilty, which verdict the judges do record accordingly. If any prisoner plead not guilty upon the indictment, and yet will not put himself to trial upon the jury (or stand mute), he shall be pressed.

The judges, when many prisoners are in the gaol, do in the end before they go peruse every one. Those that were indicted by the grand jury, and found not guilty by the select jury, they judge to be quitted, and so deliver them out of the gaol. Those that are found guilty by both juries they judge to death, and command the sheriff to see execution done. Those that refuse trial by the country, or stand mute upon the indictment, they judge to be pressed to death: some whose offences are pilfering under twelvepence value they judge to be whipped. Those that confess their indictments, they judge to death, whipping, or otherwise, as their offence requireth. And those that are not indicted at all, but their bill of indictment returned with *ignoramus* by the grand jury, and all other in the gaol against whom no bills at all are preferred, they do acquit by proclamation out of the gaol. That one way or other they rid the gaol of all the prisoners in it. But because some prisoners have their books, and be burned in the hand and so delivered, it is necessary to show the reason thereof. This having their books is called their clergy, which in ancient time began thus.

Book allowed to clergy for the scarcity of them, to be disposed in religious houses.

For the scarcity of the clergy, in the realm of England, to be disposed in religious houses, or for priests, deacons, and clerks of parishes, there was a prerogative allowed to the clergy, that if any man that could read as a clerk were to be condemned to death, the bishop of the diocess might, if he would, claim him as a clerk, and he was to see him tried in the face of the court.

Whether he could read or not, the book was prepared and brought by the bishop, and the judge was to turn to some place as he should think meet, and if the prisoner could read, then the bishop was to have him delivered over unto him to dispose of in some places of the clergy, as he should think meet. But if either the bishop would not demand him, or that the prisoner could not read, then was to be put to death.

Concerning the allowing of the clergy to the prisoner. Clergy allowed in all offences except treason and robbing of churches, and now taken away by many statutes. 1. In treason. 2. In burglary. 3. Robbery. 4. Purse-cutting. 5. Horse stealing, and in divers other offences particularized in several statutes. By the stat. of 18 Eliz. the judges are appointed to allow clergy, and to see them burned in the hand, and to discharge the prisoners without delivering them to the bishop.

And this clergy was allowable in the ancient times and law, for all offences whatsoever they were, except treason and robbing of churches, their goods and ornaments. But by many statutes made since, the clergy is taken away for murder, burglary, robbery, purse-cutting, horse-stealing, and divers other felonies particularized by the statutes to the judges; and lastly, by a statute made 18 Elizabeth, the judges themselves are appointed to allow clergy to such as can read, being not such offenders from whom clergy is taken away by any statute, and to see them burned in the hand, and so discharge them without delivering them to the bishop, howbeit the bishop appointeth the deputy to attend the judges with a book to try whether they could read or not.

The third commission that the judges of circuits have, is a commission directed to themselves only, and the clerk of assize to take assizes, by which they are called justices of assize, and the office of those justices is to do right upon writs called assizes, brought before them by such as are wrongfully thrust out of their lands. Of which number of writs there was far greater store brought before them in ancient times than now, for that men's seisins and possessions are sooner recovered by sealing leases upon the ground, and by bringing an *ejectione firme*, and trying their title so, than by the long suits of assizes.

4. Commission is to take Nisi Prius, and this is directed to two judges and the clerk of the assize. Nisi Prius.

The fourth commission is a commission to take *Nisi Prius* directed to none but to the judges themselves and their clerks of assizes, by which they are called justices of *Nisi Prius*. These *Nisi Prius* happen in this sort, when a suit is begun for any matter in one of the three courts, the King's Bench, Common Pleas, or the Exchequer here above, and the parties in their pleadings do vary in a point of fact, as for example, if an action of debt upon obligation, the defendant denies the obligation to be his debt, or in any action of trespass grown for taking away goods, the defendant denieth that he took them, or in an action of the case for slanderous words, the defendant denieth that he spake them, &c.

Then the plaintiff is to maintain and prove that the obligation is the defendant's deed, that he either took the goods, or spake the words; upon which denial and affirmation the law saith, that issue is joined betwixt them, which issue of the fact is to be tried by a jury of twelve men of the county where it is supposed by the plaintiff to be done, and for that purpose the judges of the court do award a writ of *venire facias* in the king's name, to the sheriff of that county, commanding him to cause four and twenty discreet freeholders of this county, at a certain day, to try this issue so joined, out of which four and twenty only twelve are chosen to serve. And that double number is returned, because some may make default, and some be challenged upon kindred, alliance, or partial dealing.

These four and twenty the sheriff doth name and certify to the court, and withal that he hath warned them to come at the day according to their

writ. But, because at his first summons their falleth no punishment upon the four and twenty if they come not, they very seldom or never appear upon the first writ, and upon their default there is another writ* returned to the sheriff, commanding him to distrain them by their lands to appear at a certain day appointed by the writ, which is the next term after, *Nisi Prius justiciarii nostri ad assizas capiendas venerint*, &c. of which words the writ is called a *nisi prius*, and the judges of the circuit of that county in that vacation and mean time before the day of appearance appointed for the jury above, here by their commission of *Nisi Prius* have authority to take the appearance of the jury in the county before them, and there to hear the witnesses and proofs on both sides concerning the issue of fact, and to take the verdict of the jury, and against the day they should have appeared above, to return the verdict read in the court above, which return is called a *postea*.

The manner of proceeding of justices of circuits in their circuits. The course the judges hold in their circuit in the execution of their commission concerning the taking of nisi prius.

Postea.

And upon this verdict clearing the matter in fact, one way or other, the judges above give judgment for the party for whom the verdict is found, and for such damages and costs as the jury do assess.

By those trials called *Nisi Prius*, the juries and the parties are eased much of the charge they should be put to, by coming to London with their evidences and witnesses, and the courts of Westminster are eased of much trouble they should have if all the juries for trials should appear and try their causes in those courts; for those courts above have little leisure now; though the juries come not up, yet in matters of great weight, or where the title is intricate or difficult, the judges above upon information to them, do retain those causes to be tried there, and the juries do at this day in such causes come to the bar at Westminster.

The fifth commission that the judges in their circuits do sit by, is the commission of the peace in every county of their circuit. And all the justices of the peace, having no lawful impediment, are bound to be present at the assizes to attend the judges, as occasion shall call out; if any make default, the judges may set a fine upon him at their pleasure and discretions. Also the sheriff in every shire through the circuit is to attend in person, or by a sufficient deputy allowed by the judges, all that time they be within the county, and the judges may fine him if he fail, or for negligence or misbehaviour in his office before them; and the judges above may also fine the sheriff for not returning or not sufficient returning of writs before them.

5. Commission is a commission of the peace.

The justices of the peace and the sheriff are to attend the judges in their county.

* Distringas.

Property in Lands is gotten and transferred by one to another, by these four manner of ways;

1. By Entry.
2. By Descent.
3. By Escheat.
4. Most usually by Conveyance.

1. Property by entry is, where a man findeth a piece of land that no other possesseth or hath title unto, and he that so findeth it doth enter, this entry gaineth a property; this law seemeth to be derived from this text, *terra dedit filiis hominum*, which is to be understood, to those that will till and manure it, and so make it yield fruit; and that is he that entereth into it, where no man had it before. But this manner of gaining lands was in the first days, and is not now of use in England, for that by the conquest all the land of this nation was in the Conqueror's hands, and appropriated unto him, except religious and church lands, and the lands in Kent, which by composition were left to the former owners, as the Conqueror found them, so that no man but the bishopricks, churches, and the men of Kent, can at this day make any greater title than from the conquest to any lands in England; and lands possessed without any such title are in the crown, and not in him that first entereth; as it is by land left by the sea, this land belongeth to the king, and not to him that hath the lands next adjoining, which was the ancient sea banks. This is to be understood of the inheritance of lands; *viz.* that the inheritance cannot be gained by the first entry. But an estate for another man's life by out-laws may, at this day, be gotten by entry. As a man called A. having land conveyed unto him for the life of B. dieth without making any estate of it there, whosoever first entereth into the land after the decease of A. getteth the property in the land for time of the continuance of the estate which was granted to A. for the life of B. which B. yet liveth and therefore the said land cannot revert till B. die. And to the heir of A. it cannot go, for that it is not any state of inheritance, but only an estate for another man's life; which is not descendable to the heir, except he be specially named in the grant: *viz.* to him and his heirs. As for the executors of A. they cannot have it, for it is not an estate testamentary, that it should go to the executors as goods and chattels should, so as in truth no man can entitle himself unto those lands; and therefore the law preferreth him that first entereth, and he is called *occupans*, and shall hold it during the life of B. but must pay the rent, perform the conditions, and do no waste. And he may by deed assign it to whom he please in his life time. But if he die before he assign it over, then it shall

Of property of lands to be gained by entry.

All lands in England were the Conqueror's and appropriated to him upon the conquest of England, and held of him, except 1. Religious and church lands. 2. The lands of the men of Kent. Land left by the sea belongeth to the king.

Occupancy.

go again to whomsoever first entereth and holdeth. And so all the life of B. so often as it shall happen.

Likewise if any man doth wrongfully enter into another man's possession, and put the right owner of the freehold and inheritance from it, he thereby getteth the freehold and inheritance by disseisin, and may hold it against all men, but him that hath right, and his heirs, and is called a disseisor. Or if any one die seised of lands, and before his heir doth enter, one that hath no right doth enter into the lands, and holdeth them from the right heir, he is called an abator, and is lawful owner against all men but the right heir.

And if such person abator, or disseisor (so as the disseisor hath quiet possession five years next after the disseisin) do continue their possession, and die seised, and the land descend to his heir, they have gained the right to the possession of the land against him that hath right till he recover it by fit action real at the common law. And if it be not sued for at the common law within threescore years after the disseisin, or abatement committed, the right owner hath lost his right by that negligence. And if a man hath divers children, and the elder, being a bastard, doth enter into the land and enjoyeth it quietly during his life, and dieth thereof so seised, his heirs shall hold the land against all the lawful children and their issues.

Property of lands by descent.

Property of lands by descent is, where a man hath lands of inheritance, and dieth, not disposing of them, but leaving it to go (as the law casteth it) upon the heir. This is called a descent of law, and upon whom the descent is to light, is the question. For which purpose the law of inheritance preferreth the first child before all others, and amongst children the male before the female, and amongst males the first born. If there be no children, then the brother; if no brothers, then sisters; if neither brothers nor sisters, then uncles; and for lack of uncles, aunts; if none of them, then cousins in the nearest degree of consanguinity, with these three rules of diversities. 1. That the eldest male shall solely inherit: but if it come to females, then they, being all in an equal degree of nearness, shall inherit altogether, and are called parceners, and all they make but one heir to the ancestor. 2. That no brother nor sister of the half-blood shall inherit to his brother or sister, but as a child to his parents, as for example: If a man have two wives, and by either wife a son, the eldest son overliving his father is to be preferred to the inheritance of the father, being fee-simple; but if he entereth and dieth without a child, the brother shall not be his heir, because he is of the half-blood to him, but the uncle of the eldest brother or sister of the whole blood; yet if the eldest brother had died, or had not entered in the life of the father, either by such entry or conveyance, then the youngest brother should inherit the land that the father had, although it were a child by the second wife, before any daughter by the first. The third rule about descents. That land purchased so by the party himself that dieth is to be inherited; first, by the heirs of the father's side; then, if he have none of that part, by the heirs of the mother's side. But lands descended to him from his father or mother are to go to that side only from which they came, and not to the other side.

Of descent, three rules.

Brother or sister of the half blood shall not inherit to his brother or sister, but only as a child to his parents.

Descent.

Those rules of descent mentioned before are to be understood of fee simples, and not of entailed lands, and those rules are restrained by some particular customs of some particular places; as, namely, the custom of Kent, that every male of equal degree of childhood, brotherhood, or kindred, shall inherit equally, as daughters shall, being parceners; and in many borough towns of England, and the custom alloweth the youngest son to inherit, and so the youngest daughter. The custom of Kent is called gavelkind. The custom of boroughs, burgh English.

Customs of certain places.

And there is another note to be observed in fee-simple inheritance, and that is, that every heir having fee-simple land or inheritance, be it by common law or by custom of either gavelkind or burgh English, is chargeable so far forth as the value thereof extendeth with the binding acts of the ancestors from whom the inheritance descendeth; and these acts are collateral encumbrances, and the reason of this charge is, *qui sentit commodum, sentire debet et incommodum sive onus.* As for example, if a man bind himself and his heirs in an obligation, or do covenant by writing for him and his heirs, or do grant an annuity for him and his heirs, or do make a warranty of land, binding him and his heirs to warranty, in all these cases the law chargeth the heir, after the death of the ancestor, with this obligation, covenant, annuity, and warranty, yet with these three cautions: first, that the party must by special name bind himself and his heirs, or covenant, grant, and warrant for himself and his heirs, otherwise the heir is not to be touched. Secondly, that some action must be brought against the heir whilst the land or other inheritance resteth in him unaliened away: for if the ancestor die, and the heir, before an action be brought against him upon those bonds, covenants or warranties, do alien away the land, then the heir is clean discharged of the burden, except the land was by fraud conveyed away of purpose to prevent the suit intended against him. Thirdly, that no heir is further to be charged than the value of the land descended unto him from the same ancestor that made the

Every heir having land is bound by the binding acts of his ancestors if he be named.

Dyer, 114. Plowd.

Dyer, 149. Plowd.

instrument of charge, and that land also not to be sold outright for the debt, but to be kept in extent, and at a yearly value, until the debt or damage be run out. Nevertheless if an heir that is sued upon such a debt of his ancestor do not deal clearly with the court when he is sued, that is, if he come not in immediately, and by way of confession set down the true quantity of his inheritance descended, and so submit himself therefore, as the law requireth, then that heir that otherwise demeaneth himself shall be charged of his own lands or goods, and of his money, for this deed of his ancestor. As for example; if a man bind himself and his heirs in an obligation of one hundred pounds, and dieth, leaving but ten acres of land to his heir, if his heir be sued upon the bond, and cometh in, and denieth that he hath any lands by descent, and it is found against him by the verdict that he hath ten acres, this heir shall now be charged by his false plea of his own lands, goods, and body, to pay the hundred pounds, although the ten acres be not worth ten pounds.

Day & Pepp's case.

Heir charged for his false plea.

Property of lands by escheat.

Property of lands by escheat is where the owner died seised of the lands in possession without child or other heir, thereby the land, for lack of other heir, is said to escheat to the lord of whom it is holden. This lack of heir happeneth principally in two cases: first where the lands' owner is a bastard. Secondly, where he is attainted of felony or treason. For neither can a bastard have any heir, except it be his own child, nor a man attainted of treason, although it be his own child.

Two causes of escheat. 1. Bastardy. 2. Attainder of treason, felony.

Attainder of treason entitleth the king, though lands be not holden of him, otherwise in attainder of felony, &c. for there the king shall have but annum diem vastum.

Upon attainder of treason the king is to have the land, although he be not the lord of whom it is held, because it is a royal escheat. But for felony it is not so, for there the king is not to have the escheat, except the land be holden of him: and yet where the land is not holden of him, the king is to have the land for a year and a day next ensuing the judgment of the attainder, with a liberty to commit all manner of waste all that year in houses, gardens, ponds, lands, and woods.

In escheat two things are to be observed. 1. The tenure. 2. The manner of the attainder. All lands are holden of the crown immediately or mediately by mesne lords, the reason. Concerning the tenure of lands.

In these escheats two things are especially to be observed; the one is the tenure of the lands, because it directeth the person to whom the escheat belongeth, viz. the lord of the manor of whom the land is holden. 2. The manner of such attainder which draweth with it the escheat. Concerning the tenures of lands, it is to be understood, that all lands are holden of the crown, either mediately or immediately, and that the escheat appertaineth to the immediate lord, and not to the mediate. The reason why all land is holden of the crown immediately, or by mesne lords, is this.

The Conqueror, by right of conquest, got all the lands of the realm into his hands, and as he gave it, he still reserved rents and service. Knight's service in capite first instituted.

The Conqueror got, by right of conquest, all the land of the realm into his own hands, in demesne, taking from every man all estate, tenure, property, and liberty of the same, (except religious and church lands, and the land in Kent,) and still as he gave any of it out of his own hand, he reserved some retribution of rents or services, or both, to him and to his heirs, which reservation is that which is called the tenure of land.

The reservations in knight's service tenure, was four. 1. Marriage of the wards, male and female. 2. Horse for service. 3. Homage and fealty. 4. Primer seisin.

In which reservation he had four institutions, exceeding politic and suitable to the state of a conqueror.

The policy of the Conqueror, in the reservation of services constituted in four particulars was to have the marriage of his wards both male and female.

1. Seeing his people to be part Normans, and part Saxons, the Normans he brought with him, the Saxons he found here, he bent himself to conjoin them by marriages in amity, and for that purpose ordains, that if those of his nobles, knights, and gentlemen to whom he gave great rewards of lands should die, leaving their heir within age, a male within twenty-one, and a female within fourteen years, and unmarried, then the king should have the bestowing of such heirs in marriage, in such a family,* and to such persons as he should think meet; which interest of marriage went still employed, and doth at this day in every tenure called knight's service.

Reservation that his tenant should keep a horse of service, and serve upon him himself, when the king went to wars, which is a part of that service called knight's service.

The second was to the end that his people should still be conserved in warlike exercises, and able for his defence. When therefore he gave any good portion of lands, that might make the party of abilities or strength, he withal reserved this service: that that party and his heirs having such lands, should keep a horse of service continually, and serve upon him himself when the king went to wars, or else, having impediment to excuse his own person, should find another to serve in his place; which service of horse and man is a part of that tenure called knight's service at this day.

But if the tenant himself be an infant, the king is to hold this land himself until he come to full age, finding him meat, drink, apparel, and other necessaries, and finding a horse and a man with the overplus to serve in the wars as the tenant himself should do if he were at full age.

But if this inheritance descend upon a woman, that cannot serve by her sex, then the king is not to have the lands, she being of fourteen years of age, because she is then able to have a husband that may do the service in person.

3. Institution of the Conqueror was, that his

The third institution, that upon every gift of land the king reserved a vow

* Interest of marriage goeth employed in every tenure by knight's service.

——— is by knight's service vow unto loyalty, which he called homage, and make unto him oath of his faith, which was called fealty.
1. Homage.
2. Fealty.

and an oath to bind the party to his faith and loyalty:* that vow was called homage, the oath fealty. Homage is to be done kneeling, holding his hands between the knees of the lord, saying, in the French tongue, I become your man of life and limb, and of earthly honour. Fealty is to take an oath, upon a book, that he will be a faithful tenant to the king, and do his service, and pay his rents according to his tenure.

4. Institution was for recognizon of the king's bounty, to be paid by every heir upon the death of his ancestor, which is one year's profit of the lands called *primer seisin*.

The fourth institution was, that for recognizon† of the king's bounty by every heir succeeding his ancestor in those knight's service lands, the king should have *primer seisin* of the lands, which is one year's profit of the lands, and until this be paid the king is to have possession of the land, and then to restore it to the heir; which continueth at this day in use, and is the very cause of suing livery, and that as well where the heir hath been in ward as otherwise.

Knight's service in capite is a tenure *de persona Regis*.
Tenants by grand serjeanty were to pay relief at the full age of every heir, which was one year's value of the lands so held, *ultra Repris*.
Grand serjeanty.
Petty serjeanty.

These beforementioned be the rights of the tenure called knight's service in capite, which is as much to say, as tenure *de persona regis*, and capite being the chiefest part of the person, it is called a tenure in capite, or in chief. And it is also to be noted, that as this tenure in *capite* by knight's service generally was a great safety to the crown, so also the conqueror instituted other tenures in capite necessary to this estate; as, namely, he gave divers lands to be holden of him by some special service about his person, or by bearing some special office in his house, or in the field, which have knight's service and more in them, and these he called tenures by grand serjeanty. Also he provided, upon the first gift of lands, to have revenues by continual service of ploughing his land, repairing his houses, parks, pales, castles, and the like. And sometimes to a yearly provision of gloves, spurs, hawks, horses, hounds, and the like; which kind of reservations are called also tenures in chief, or in capite of the king, but they are not by knight's service, because they required no personal service, but such things as the tenants may hire another to do, or provide for his money. And this tenure is called a tenure by soccage in capite, the word *socagium* signifying the plough; howbeit, in this latter time, the service of ploughing the land is turned into money rent, and so of harvest works, for that the kings do not keep their demesne in their own hands as they were wont to do; yet what lands were *de antiquo dominico coronæ*, it well appeareth in the records of the Exchequer, called the Book of Doomsday. And the tenants by ancient demesne have many immunities and privileges at this day, that in ancient times were granted unto those tenants by the crown, the particulars whereof are too long to set down.

The institution of soccage in capite, and what it is now turned into money rents.

These tenures in capite, as well that by soccage as the others by knight's service, have this property, that the tenants cannot alien their lands without licence of the king; if he do, the king is to have a fine for the contempt, and may seize the land, and retain it until the fine be paid. And the reason is, because the king would have a liberty in the choice of his tenant, so that no man should presume to enter into those lands, and hold them (for which the king was to have those special services done him) without the king's leave. This license and fine, as it is now digested, is easy and of course.

Office of alienation.

A license of alienation is the third part of one year's value of the land moderately rated.

There is an office called the office of alienation, where any man may have a license at a reasonable rate, that is, at the third part of one year's value of the land moderately rated. A tenant in cap. by knight's service or grand serjeanty, was restrained by ancient statute, that he should not give nor alien away more of his lands, than that with the rest he might be able to do the service due to the king; and this is now out of use.

Aid a sum of money rateably levied according to the proportion of the lands.

And to this tenure by knight's service in chief was incident, that the king should have a certain sum of money, called aid, due to be rateably levied amongst all those tenants proportionably to his lands, to make his eldest son a knight, or to marry his eldest daughter.

Every tenant by knight's service in capite, had to make the king's eldest son a knight, or to marry his eldest daughter.

And it is to be noted, that all those that hold lands, by the tenure of soccage in capite (although not by knight's service) cannot alien without license; and they are to sue livery, and pay primer seisin, but not to be in ward for body or land.

Tenants by soccage in capite must sue livery and pay *primer seisin*, and not to be in ward for body or land.

By example and resemblance of the king's policy in these institutions of tenures, the great men and gentlemen of this realm did the like so near as they could: as for example, when the king had given to any of them two thousand acres of land, this party purposing in this place to make his dwelling, or, as the old word is, his mansion house, or

How manors were at first created.

Manors created by great men in imitation of the policy of the king in the institutions of tenures. *A manere*, the word manor.

* Aid money to make the king's eldest son a knight, or to marry his eldest daughter, is likewise due to his majesty from every one of his tenants in knight's service, that hold by a whole fee, twenty shillings, and from every tenant in soccage if his land be worth twenty pounds per annum, twenty shillings, *vide* N. 3. fol. 82.

† Escuage was likewise due unto the king from his tenant by knight's service; when his majesty made a voyage royal to war against another nation, those of his tenants that did not attend him there for forty days, with horse and furniture fit for service, were to be assessed in a certain sum by act of parliament, to be paid unto his majesty; which assessment is called escuage.

his manor house, did devise how he might make his land a complete habitation to supply him with all manner of necessaries, and for that purpose, he would give of the outtermost parts of those two thousand acres one hundred or two hundred acres, or more or less, as he should think meet, to one of his most trusty servants, with some reservation of rent, to find a horse for the wars, and go with him when he went with the king to the wars, adding vow of homage, and the oath of fealty, wardship, marriage, and relief. This relief is to pay five pounds for every knight's fee, or after the rate for more or less at the entrance of every heir; which tenant,* so created and placed, was and is to this day called a tenant by knight's service, and not by his own person, but of his manors; of these he might make as many as he would. Then this lord would provide that the land which he was to keep for his own use should be ploughed, and his harvest brought home, his house repaired, his park paled, and the like: and for that end he would give some lesser parcels to sundry others, of twenty, thirty, forty, or fifty acres, reserving the service of ploughing a certain quantity (or so many days) of his land, and certain harvest works or days in the harvest to labour, or to repair the house, park, pale, or otherwise, or to give him, for his provision, capons, hens, pepper, commin, roses, gilliflowers, spurs, gloves, or the like; or to pay him a certain rent, and to be sworn to be his faithful tenant, which tenure was called a soccage tenure, and is so to this day, howbeit most of the plowing and harvest services are turned into money rents.

Knight's service tenure reserved to common persons.

Relief is five pound to be paid by every tenant by knight's service to his lord upon his entrance respectively for every knight's fee descended.

Soccage tenure reserved by the lord.

The tenants in soccage at the death of every tenant were to pay relief, which was not as knight's service is, five pounds a knight's fee.† But it was, and so is still, one year's rent of the land, and no wardship or other profit to the lord. The remainder of the two thousand acres he kept to himself, which he used to manure by his bondmen, and appointed them at the courts of his manor how they should hold it, making an entry of it into the roll of the remembrances of the acts of his court, yet still in the lord's power to take it away; and therefore, they were called tenants at will, by copy of court roll; being in truth bondmen at the beginning, but having obtained freedom of their persons, and gained a custom by use of occupying their lands, they now are called copyholders, and are so privileged that the lord cannot put them out, and all through custom. Some copyholders are for lives, one, two, or three successively; and some inheritances from heir to heir by custom, and custom ruleth these estates wholly, both for widow's estates, fines, harriots, forfeitures, and all other things.

Relief of tenant in soccage, one year's rent and no wardship or other profit upon the dying of the tenant.

Villenage or tenure by copy of court roll.

Manors being in this sort made at the first, reason was that the lord of the manor should hold a court, which is no more than to assemble his tenants together at a time by him to be appointed; in which court he was to be informed, by oath of his tenants, of all such duties, rents, reliefs, wardships, copyholds, or the like, that had happened unto him, which information is called a presentment, and then his bailiff to seize and distrain for those duties, if they were denied or withholden, which is called a court baron: and herein a man may sue for any debt or trespass under forty pounds value, and the freeholders are to judge of the cause upon proof produced upon both sides. And therefore the freeholders of these manors, as incident to their tenures, do hold by suit of court, which is to come to the court, and there to judge between party and party in those petty actions; and also to inform the lord of duties, of rents, and services unpaid to him from his tenants. By this course it is discerned who be the lords of lands, such as if the tenants die without heir, or be attainted of felony or treason, shall have the land by escheat.

Court Baron, with the use of it.

Suit to the court of the lord incident to the tenure of the freeholders.

Now concerning what attainders shall give the escheat to the land, it is to be noted, that it must either be by judgment of death given in some court of record, against the felon found guilty by verdict, or confession of the felony, or it must be by outlawry of him.

What attainders shall give the escheat to the lord. Attainders. 1. By judgment. 2. By verdict or confession. 3. By outlawry give the lands to the lord.

The outlawry groweth in this sort: a man is indicted for felony, being not in hold, so as he cannot be brought in person to appear, and to be tried, insomuch that process of *capias* is therefore awarded to the sheriff, who not finding him, returneth *non est inventus in Balliva mea;* and thereupon another *capias* is awarded to the sheriff, who likewise, not finding him, maketh the same return; then a writ called an *exigent* is directed to the sheriff, commanding him to proclaim him in his county court, five several court days, to yield his body, which if the sheriff do, and the party yield not his body, he is said by the default to be outlawed, the coroners there adjudging him outlawed, and the sheriff making the return of the proclamations and of the judgment of the coroners upon the back side of the writ. This is an attainder of felony, whereupon the offender doth forfeit his lands, by an escheat, to the lord of whom they are holden.

Of an attainder by outlawry.

But note, that a man found guilty of felony by verdict or confession, and

Prayer of clergy.

* Knight's service tenure created by the lord is not a tenure by knight's service of the person of the lord, but of his manor.

† Aid money and escuage money is likewise due unto the lords of their tenants, *vide* N. 3. fol. 82 and 83.

praying his clergy, and thereupon reading as a clerk, and so burnt in the hand and discharged, is not attainted, because he, by his clergy, preventeth the judgment of death, and is called a clerk convict who loseth not his lands, but all his goods, chattels, leases and debts.

He that standeth mute forfeiteth no lands, except for treason.

So a man indicted, that will not answer, nor put himself upon trial, although he be by this to have judgment of pressing to death, yet he doth forfeit no lands, but goods, chattels, leases, and debts, except his offence be treason, and then he forfeiteth his lands to the crown.

He that killeth himself forfeiteth but his chattels.

So a man that killeth himself shall not lose his lands, but his goods, chattels, leases, and debts. So of those that kill others in their own defence, or by misfortune.

Flying for felony a forfeiture of goods.

A man that being pursued for felony, and flieth for it, loseth his goods for his flying, although he return and is tried, and found not guilty of the fact.

He that yieldeth his body upon the exigent for felony forfeiteth his goods.

So a man indicted of felony, if he yield not his body to the sheriff until after the exigent of proclamation is awarded against him, this man doth forfeit all his goods for his long stay, although he be found not guilty of the felony; but none is attainted to lose his lands, but only such as have judgments of death, by trial upon verdict, or their own confession, or that they be by judgment of the coroners outlawed as before.

Lands entailed escheat to the king for treason.

Besides the escheats of lands to the lords of whom they be holden for lack of heirs, by attainder for felony (which only do hold place in fee-simple lands,) there are also forfeiture of lands to the crown by attainder of treason; as namely, if one that hath entailed lands commit treason, he forfeiteth the profits of the lands for his life to the crown, but not to the lord.

Stat. 26 H. 8.

Tenant for life committeth treason or felony, there shall be no escheat to the lord.

And if a man, having an estate for life of himself or of another, commit treason or felony, the whole estate is forfeited to the crown, but no escheat to the lord.

But a copyhold for fee-simple, or for life, is forfeited to the lord and not to the crown; and if it be entailed, the lord is to have it during the life of the offender only, and then his heir is to have it.

The custom of Kent is, that gavelkind land is not forfeitable nor escheatable for felony, for they have an old saying; the father to the bough, and the son to the plough.

The wife loseth no power notwithstanding the husband be attainted of felony.

If the husband was attainted, the wife was to lose her thirds in cases of felony and treason, but yet she is no offender; but at this day, it is holden by statute law that she loseth them not for the husband's felony. The relation of these forfeits are these.

Attainder in felony or treason by verdict, confession, or outlawry, forfeiteth all they had from the time of the offence committed.

1. That men attainted* of felony or treason, by verdict or confession, do forfeit all the lands they had at the time of their offence committed, and the king or the lord, whosoever of them hath the escheat or forfeiture, shall come in and avoid all leases, statutes, or conveyances done by the offender, at any time since the offence done. And so is the law clear also if a man be attainted for treason by outlawry; but upon attainder of felony by outlawry it hath been much doubted by the law books whether the lord's title by escheat shall relate back to the time of the offence done, or only to the date or test of the writ of exigent for proclamation, whereupon he is outlawed; howbeit at this day it is ruled, that it shall reach back to the time of his fact, but for goods, chattels, and debts, the king's title shall look no further back than to those goods, the party attainted by verdict or confession had at the time of the verdict and confession given or made, and in outlawries at the time of the exigent, as well in treasons as felonies: wherein it is to be observed, that upon the parties first apprehension, the king's officers are to seize all the goods and chattels, and preserve them together, dispending only so much out of them as is fit for the sustentation of the person in prison, without any wasting, or disposing them until conviction, and then the property of them is in the crown, and not before.

And so it is upon an attainder of outlawry, otherwise it is in the attainder by verdict, confession, and outlawry, as to their relation for the forfeiture of goods and chattels.

The king's officers upon the apprehension of a felon are to seize his goods and chattels.

A person attainted may purchase, but it shall be to the king's use.

It is also to be noted, that persons attainted of felony or treason have no capacity in them to take, obtain, or purchase, save only to the use of the king, until the party be pardoned. Yet the party giveth not back his lands or goods without a special patent of restitution, which cannot restore the blood without an act of parliament. So if a man have a son, and then is attainted of felony or treason, and pardoned, and purchaseth lands, and then hath issue another son, and dieth, the son he had before he had his pardon, although he be his eldest son, and the patent have the words of restitution to his lands, shall not inherit, but his second son shall inherit them, and not the first; because the blood is corrupted by the attainder, and cannot be restored by patent alone, but by act of parliament. And if a man have two sons, and the eldest is attainted in the life of his father, and dieth without issue, the father living, the second son shall inherit the father's lands; but if the eldest son have any issue, though he die in the life of his father, then neither the second son, nor the issue of the eldest, shall inherit the father's lands, but the father

There can be no restitution in blood without act of parliament, but a pardon enableth a man to purchase, and the heir begotten after shall inherit those lands

* Of the relation of attainders, as to the forfeiture of lands and goods with the diversity.

shall there be accounted to die without heir, and the land shall escheat, whether the eldest son have issue or not afterward or before, though he be pardoned after the death of his father.

Property of lands by conveyance is first distributed into estates for years, for life, in tail, and fee-simple.

Property of land by conveyance divided into, 1. Estates in fee. 2. In tail. 3. For life. 4. For years.

These estates are created by word, by writing, or by record. For estates of years, which are commonly called leases for years, they are thus made; where the owner of the land agreeth with the other by word of mouth, that the other shall have, hold, and enjoy the land, to take the profits thereof for a time certain of years, months, weeks, or days, agreed between them, and this is called a lease parol; such a lease may be made by writing pole, or indented of devise, grant, and to farm let, and so also by fine of record; but whether any rent be reserved or no, it is not material. Unto these leases there may be annexed such exceptions, conditions, and covenants, as the parties can agree on. They are called chattels real, and are not inheritable by the heirs, but go to the executors and administrators, and be saleable for debts in the life of the owner, or in the executors' or administrators' hands by writs of execution upon statutes, recognisances, judgments of debts or damages. They be also forfeitable to the crown by outlawry, by attainder for treason, felony, or premunire, killing himself, flying for felony, although not guilty of the fact, standing out or refusing to be tried by the country, by conviction of felony, by verdict without judgment, petty larceny, or going beyond the sea without license.

Leases for years they go to the executors and not to the heirs.

Leases are to be forfeited by attainder. 1. In treason. 2. Felony. 3. Premunire. 4. By killing himself. 5. For flying. 6. Standing out, mute, or refusing to be tried by the country. 7. By conviction. 8. Petty larceny. 9. Going beyond the sea without license.

They are forfeitable to the crown, in like manner as leases for years, or interest gotten in other men's lands, by extending for debt upon judgment in any court of record, stat. merchant, stat. staple, recognisances; which being upon statutes are called tenants by stat. merchant, or staple, the other tenants by elegit, and by wardship of body and lands, for all these are called chattels real, and go to the executors and administrators, and not to the heirs, and are saleable and forfeitable as leases for years are.

Extents upon stat. staple, merchant, elegit, wardship of body and lands are chattels, and forfeitable in the as leases for years

Leases for lives are also called freeholds, they may also be made by word or writing, there must be livery and seisin* given at the making of the lease, whom we call the lessor, who cometh to the door, back side, or garden, if it be a house, if not, then to some part of the land, and there he expresseth, that he doth grant unto the taker, called the lessee, for term of his life: and in seisin thereof, he delivereth to him a turf, twig, or ring of the door; and if the lease be by writing, then commonly there is a note written on the back side of the lease,* with the names of those witnesses who were present at the time of the livery of seisin made. This estate is not saleable by the sheriff for debt, but the land is to be extended for a yearly value, to satisfy the debt. It is not forfeitable by outlawry, except in cases of felony, nor by any of the means before mentioned, of leases for years; saving in an attainder for, and felony, treason, premunire, and then only to the crown, not to the lords by escheat.

Lease for life is not forfeitable by outlawry except in cases of felony or premunire, and then to the king, and not to the lord by escheat; and it is not forfeited by any of the means before mentioned of leases for years.

Lease for life not to be sold by the sheriff for debt but extended yearly.

And though a nobleman or other have liberty, by charter, to have all felon's goods, yet a tenant holding for term of life, being attainted of felony, doth forfeit unto the king, and not to this nobleman.

A man that hath bona felons by charter, shall not have the means if lesser for life be attainted.

If a man have an estate in lands for another man's life, and dieth, this land cannot go to his heir, nor to his executors, but to the party that first entereth, and he is called an occupant as before hath been declared.

Occupant.

A lease for years, or for life, may be made also by fine of record, or bargain and sale, or covenant, to stand seised upon good considerations of marriage, or blood, the reasons whereof are hereafter expressed.

Of estate tails, and how such an estate may be limited.

Entails of lands are created by a gift, with livery and seisin to a man, and to the heirs of his body; this word (body) making the entail may be demonstrated and restrained to the males or females, heirs of their two bodies, or of the body of either of them, or of the body of the grandfather or father.

Entails of lands began by a statute made in Edward the First's time, by which also they are so much strengthened, as that the tenant in tail could not put away the land from the heir by any act of conveyance or attainder, nor let it, nor encumber it, longer than his own life.

By the stat. of West. 1. made in Ed. I. time, estates in tail were so strengthened that they were not forfeitable by any attainder.

But the inconvenience thereof was great, for, by that means, the land being so sure tied upon the heir, as that his father could not put it from him, it made the son to be disobedient, negligent, and wasteful, often marrying without the father's consent, and to grow insolent in vice, knowing that there could be no check of disinheriting him. It also made the owners of the land less fearful to commit murders, felonies, treasons, and manslaughters; for that they knew none of these acts could hurt

The great inconvenience that ensued thereof.

* What livery of seisin is, and how it is requisite to every estate for life.

* Endorsement of livery upon the back of the deed, and witness of it.

the heir of his inheritance. It hindered men that had entailed lands, that they could not make the best of their lands by fine and improvement, for that none upon so uncertain an estate, as for term of his own life, would give him a fine of any value, nor lay any great stock upon the land that might yield rent improved.

The prejudice the crown received thereby.

Lastly, those entails did defraud the crown and many subjects of their debts; for that the land was not liable longer than his own lifetime, which caused that the king could not safely commit any office of account to such, whose lands were entailed, nor other men trust them with loan of money.

The stat. 4 H. 7. and 32 H. 8. to bar estates tail by fine.

These inconveniences were all remedied by acts of Parliament; as namely, by acts of Parliament later than the acts of entails, made 4 H. VII. 32 H. VIII. A tenant in tail may disinherit his son by a fine with proclamation, and may, by that means also, make it subject to his debts and sales.

26 H. 8.

32 H. 8.
33 H. 8.
13 & 39 Eliz.
Entails two privileges.
1. Not forfeitable for felony.
2. Not extendable for the debts of the party after his death. *Proviso*, not to put away the land from his next heir. If he do, to forfeit his own estate, and that his next heir must enter.

By a statute made, 26 H. VIII. a tenant in tail doth forfeit his lands for treason; and by another act of Parliament, 32 H. VIII. he may make leases good against his heir for twenty-one years, or three lives; so that it be not of his chief houses, lands, or demesne, or any lease in reversion, nor less rent reserved than the tenants have paid most part of twenty-one years before, nor having any manner of discharge for doing wastes and spoils: by a statute made 33 H. VIII. tenants of entailed lands are liable to the king's debts by extent, and by a statute made 13 and 39 Eliz. they are saleable for the arrearages upon his account for his office. So that now it resteth, that entailed lands have two privileges only, which be these. First, not to be forfeited for felonies. Secondly, not to be extended for debts after the parties' death, except the entails be cut off by fine and recovery.

Of the new device called a perpetuity, which is an entail with an addition.

But it is to be noted, that since these notable statutes, and remedies provided by statutes, do dock entails, there is start up a device called perpetuity, which is an entail with an addition of a proviso conditional, tied to his estate, not to put away the land from his next heir; and if he do, to forfeit his own estate. Which perpetuities, if they should stand, would bring in all the former inconveniences subject to entails, that were cut off by the former mentioned statutes, and far greater: for, by the perpetuity, if he that is in possession start away never so little, as in making a lease, or selling a little quillet, forgetting after two or three descents, as often they do, how they are tied, the next heir must enter, who, peradventure, is his son, his brother, uncle, or kinsman, and this raiseth unkind suits, setting all that kindred at jars, some taking one part, some another, and the principal parties wasting their time and money in suits of law. So that in the end they are both constrained by necessity to join both in a sale of the land, or a great part of it, to pay their debts, occasioned through their suits. And if the chiefest of the family, for any good purpose of well seating himself, by selling that which lieth far off is to buy that which is near, or for the advancement of his daughters or younger sons should have reasonable cause to sell, this perpetuity, if it should hold good, restraineth him. And more than that, where many are owners of inheritance of land, not entailed may, during the minority of his eldest son, appoint the profits to go to the advancement of the younger sons and daughters, and pay debts; by entails and perpetuities the owners of these lands cannot do it, but they must suffer the whole to descend to his eldest son, and so to come to the crown by wardship all the time of his infancy.

These perpetuities would bring in all the former inconveniences of estates tails.

The inconveniences of those perpetuities.

Quære whether it be better to restrain men by those perpetuities from alienations, or to hazard the undoing of houses by unthrifty posterity.

Wherefore, seeing the dangerous times and untowardly heirs, they might prevent those mischiefs of undoing their houses by conveying the land from such heirs, if they were not tied to the stake by those perpetuities, and restrained from forfeiting to the crown, and disposing it to their own or to their children's good: therefore it is worthy of consideration, whether it be better for the subject and sovereign to have the lands secured to men's names and bloods by perpetuities, with all the inconveniences abovementioned, or to be in hazard of undoing his house by unthrifty posterity.

The last and greatest estate in land is fee-simple
A remainder cannot be limited upon an estate in fee simple.

The last and greatest estate of lands is fee-simple, and beyond this there is none of the former for lives, years, or entails; but beyond them is fee-simple. For it is the greatest, last, and uttermost degree of estates in land; therefore he that maketh a lease for life, or a gift in tail, may appoint a remainder when he maketh another for life or in tail, or to a third in fee-simple; but after a fee-simple he can limit no other estate. And if a man do not dispose of the fee-simple by way of remainder, when he maketh the gift in tail, or for lives, then the fee-simple resteth in himself as a reversion. The difference between a reversion and a remainder is this: The remainder is always a succeeding estate, appointed upon the gifts of a precedent estate, at the time when the precedent is appointed. But the reversion is an estate left in the giver, after a particular estate made by him for years, life, or entail; where the remainder is made with the particular estates, then it must be done by deeds in writing, with livery and seisin, and cannot be by words.

The difference between a remainder and a reversion.
A reversion cannot be granted by word.

must be had to the grant of the reversion.

And if the giver will dispose of the reversion after it remaineth in himself, he is to do it by writing, and not by word, and the tenant is to have notice of it, and to attturn it, which is to give his assent by word, or paying rent, or the like; and except the tenant will thus atturn, the party to whom the reversion is granted cannot have the reversion, neither can he compel him by any law to atturn, except the grant of the reversion be by fine; and then he may by writ provided for that purpose: and if he do not purchase that writ, yet by the fine the reversion shall pass; and the tenant shall pay no rent, except he will himself, nor be punished for any wastes in houses, woods, &c., unless it be granted by bargain and sale by indenture enrolled. These fee-simple estates lie open to all perils of forfeitures, extents, encumbrances, and sales.

The tenant not compellable to atturn but vorsiougs granted by fine.

Lands are conveyed by these six means: first, by feoffment,* which is, where by deed lands are given to one and his heirs, and livery and seisin made according to the form and effect of the deed; if a lesser estate than fee-simple be given, and livery of seisin made, it is not called a feoffment, except the fee-simple be conveyed, but is otherwise called a lease for life or gift entail as abovementioned.

* Lands may be ways.
1. By feoffment
2. By fine.
3. By y.
4. By
5. By covenant.
6 By will.

What a fine is, and how lands may be conveyed hereby.

A fine is a real agreement, beginning thus, *Hæc est finalis concordia*, &c. This is done before the king's judges in the Court of Common Pleas, concerning lands that a man should have from another to him and his heirs, or to him for his life, or to him and the heirs males of his body, or for years certain, whereupon rent may be reserved, but no condition or covenants. This fine is a record of great credit, and upon this fine are four proclamations made openly in the Common Pleas; that is, in every term one for four terms together: and if any man, having right to the same, make not his claim within five years after the proclamations ended, he loseth his right, for ever, except he be an infant, a woman covert, a madman, or beyond the seas, and then his right is saved; so that he claim within five years after the death of her husband's full age, recovery of his wits, or return from beyond the seas. This fine is called a feoffment of record, because that it includeth all that the feoffment doth, and worketh further of his own nature, and barreth entails peremptorily, whether the heir doth claim within five years or not, if he claim by him that levied the fine.

Five years non claim barreth not,
1. An infant.
2. Feme covert.
3. Madman.
4. Beyond sea.

Fine is a feoffment of record.

What recoveries are.

Recoveries are where, for assurances of lands, the parties do agree, that one shall begin an action real against the other, as though he had good right to the land, and the other shall not enter into defence against it, but allege that he bought the land of I. H. who had warranted unto him, and pray that I. H. may be called in to defend the title which I. H. is one of the cryers of the Common Pleas, and is called the common voucher. This I. H. shall appear and make as if he would defend it, but shall pray a day to be assigned him in his matter of defence, which being granted him, at the day he maketh default, and thereupon the court is to give judgment against him, which cannot be for him to lose his lands, because he hath it not, but the party that he hath sold it to, hath that who vouched him to warrant it.

Common voucher of one the cryers of the court.

Therefore the demandant who hath no defence made against it, must have judgment to have the land against him that he sued, (who is called the tenant,) and the tenant is to have judgment against I. H. to recover in value so much land of his, where, in truth, he hath none, nor never will. And by this device, grounded upon the strict principles of law, the first tenant loseth the land, and hath nothing for it; but it is by his own agreement, for assurance to him that bought it.

Judgment for the demandant against the tenant in tail.

Judgment for tenant to recover so much land in value of the common voucher.

This recovery barreth entails, and all remainders and reversions that should take place after the entails, saving where the king is giver of the entail, and keepeth the reversion to himself, then neither the heir, nor the remainder, nor reversion is barred by the recovery.

A recovery barreth an eschest tail, and all reversions and remaindments thereupon.

The reason why the heirs, remainders and reversions, are thus barred is because in strict law the recompense adjudged against the cryer that was vouchee, is to go in succession of estate as the land should have done, and then it was not reason to allow the heir the liberty to keep the land itself and also to have recompense; and, therefore, he loseth the land, and is to trust to the recompense.

The reason why a common recovery barreth those in remainder and reversions.

This sleight was first invented when entails fell out to be so inconvenient as is before declared, so that men made no conscience to cut them off if they could find law for it. And now by use, those recoveries are become common assurances against entails, remainders, and reversions, and are the greatest security purchasers have for their moneys; for a fine will bar the heir in tail, and not the remainder, nor reversion, but a common recovery will bar them all.

The many inconveniences of estates in tail brought in these recoveries, which are made now common conveyances and assurances for land.

Upon feoffments and recoveries, the estate doth settle as the use and intent of the parties is declared by word or writing, before the act was done; As for example; they make a writing that one of them shall levy a fine, make a feoffment, or suffer a common recovery to the other, but the use and intent is, that one should have it for his

Upon fines, feoffments, and recoveries, the estate doth settle according to the intent of the parties.

life, and after his decease, a stranger to have it in tail, and then a third in fee-simple. In this case the land settleth in an estate according to the use and intent declared. And that by reason of the statute made 27 H. VIII. conveying the land in possession to him that hath interest in the use, or intent of the fine, feoffment, or recovery, according to the use and intent of the parties.

Bargains, sales, and covenants to stand seised to a use, are all grounded upon one statute.

Upon this statute is likewise grounded the fourth and fifth of the six conveyances, viz. bargains, sales, covenants, to stand seised to uses; for this statute, wheresoever it findeth a use, conjoineth the possession to it, and turneth it into like quality of estate, condition, rent, and the like as the use hath.

What a use is.

The use is but the equity and honesty to hold the land *in conscientia boni viri*. As for example; I and you agree that I shall give you money for your land, and you shall make me assurance of it. I pay you the money, but you made me no assurance of it. Here, although the estate of the land be still in you, yet the equity and honesty to have it is with me; and this equity is called the use, upon which I had no remedy but in Chancery, until this statute was made of 27 H. VIII. and now this statute conjoineth and containeth the land to him that hath the use. I for my money paid to you have the land itself, without any other conveyance from you, and it is called a bargain and sale.

Before 27 H. 8. there was no remedy for a use, but in Chancery.

The stat. of 27 H. 8. doth not pass land upon the payment of money without a deed indented and enrolled.

But the parliament that made that statute did foresee that it would be mischievous that men's lands should so suddenly, upon the payment of a little money, be conveyed from them, peradventure in an alehouse or a tavern, upon strainable advantages, did therefore gravely provide another act in the same parliament, that the land, upon payment of this money, should not pass away, except there were a writing indented made between the said two parties, and the said writing also within six months enrolled in some of the courts at Westminster, or in the sessions rolls in the shire where the land lieth, unless it be in cities or corporate towns where they did use to enrol deeds, and there the statute extendeth not.

The stat. of 27 H. 8. extendeth not into cities and incorporate towns where they did use to enrol deeds.

A conveyance to stand seised to a use.

The fifth conveyance of a fine is a conveyance to stand seised to uses. It is in this sort; a man that hath a wife and children, brethren, and kinsfolk, may by writing under his hand and seal, agree that for their or any of their preferment he will stand seised of his lands to their uses, either for life in tail or fee, so as he shall see cause; upon which agreement in writing there ariseth an equity or honesty, that the land should go according to those agreements; nature and reason allowing these provisions, which equity and honesty is the use. And the use being created in this sort, the statute of 27 H. VIII. beforementioned, conveyeth the estate of the land, as the use is appointed.

Upon an agreement in writing to stand seised to the use of any of his kindred, a use may be created, and the estate of the land thereupon executed, by 27 H. 8.

A ovenant to stand seised to a use needeth no enrolment, as a bargain and sale to a use doth, so it be to the use of wife, child, or cousin, or one he meaneth to marry.

And so this covenant to stand seised to uses is at this day, since the said statute, a conveyance of land, and with this difference from a bargain and sale; in that this needeth no enrolment as a bargain and sale doth, nor needeth it to be in writing indented, as bargain and sale must: and if the party to whose use he agreeth to stand seised of the land, be not wife, or child, cousin, or one that he meaneth to marry, then will no use rise, and so no conveyance; for although the law alloweth such weighty considerations of marriage and blood to raise uses, yet doth it not admit so trifling considerations as of acquaintance, schooling, services, or the like.

Upon a fine, feoffment, or recovery, a man may limit the use to whom he listeth, without consideration of blood, or money. Otherwise, in a bargain and sale, or covenant.

But where a man maketh an estate of his land to others by fine, feoffment, or recovery, he may then appoint the use to whom he listeth, without respect of marriage, kindred, or other things; for in that case his own will and declaration guideth the equity of the estate. It is not so when he maketh no estate, but agreeth to stand seised, nor when he hath taken any thing, as in the cases of bargain, and sale, and covenant, to stand to uses.

Of the continuance of land by will.

The last of the six conveyances is a will in writing, which course of conveyance was first ordained by statute made 32 H. VIII. before which statute no man might give land by will, except it were in a borough town, where there was an especial custom that men might give their lands by will; as in London, and many other places.

The not disposing of lands by will was thought to be a defect at the common law.

The not giving of land by will was thought to be a defect at common law; that men in wars, or suddenly falling sick, had not power to dispose of their lands, except they could make a feoffment, or levy a fine, or suffer a recovery, which lack of time would not permit; and for men to do it by these means, when they could not undo it again, was hard: besides, even to the last hour of death, men's minds might alter upon further proofs of their children or kindred, or increase of children or debt, or defect of servants, or friends, to be altered.

The court that was invented before the stat. of 32 H. 8. first gave power to devise lands by will, which was a conveyance of lands to feoffees in trust, to such persons as they should declare in their will.

For which cause it was reason that the law should permit him to reserve to the last instant the disposing of his lands, and to give him means to dispose it, which seeing it did not fitly serve, men used this device.

They conveyed their full estates of their lands, in their good health, to friends in trust, properly called feoffees in trust,

and then they would, by their wills, declare how their friends should dispose of their lands; and if those friends would not perform it, the Court of Chancery was to compel them, by reason of the trust; and this trust was called the use of the land, so as the feoffees had the land, and the party himself had the use; which use was in equity, to take the profits for himself, and that the feoffees should make such an estate as he should appoint them; and if he appointed none, then the use should go to the heir, as the estate itself of the land should have done; for the use was to the estate like a shadow following the body.

The inconveniences of putting land into use

By this course of putting lands into use, there were many inconveniences (as this use which grew first for a reasonable cause), viz. to give men power and liberty to dispose of their own, was turned to deceive many of their just and reasonable rights; as, namely, a man that had cause to sue for his land, knew not against whom to bring his action, nor who was owner of it. The wife was defrauded of her thirds; the husband of being tenant by courtesy; the lord of his wardship, relief, heriot, and escheat; the creditor of his extent for debt; the poor tenant of his lease, for these rights and duties were given by law from him that was owner of the land, and none other, which was now the feoffee of trust, and so the old owner, which we call the feoffor, should take the profits, and leave the power to dispose of the land at his discretion to the feoffee, and yet he was not such a tenant as to be seised of the land, so as his wife could have dower, or the lands be extended for his debts, or that he could forfeit it for felony or treason, or that his heir could be ward for it, or any duty of tenure fall to the lord by his death, or that he could make any leases of it.

The frauds of conveyances to use by degrees of time, as they increased, were remedied by the statutes 1 H. 6. 4 H. 8. 1 R. 3. 4 H. 7. 16 H. 8.

Which frauds, by degrees of time, as they increased, were remedied by divers statutes; as, namely, by a statute of 1 H. VI. and 4 H. VIII. it was appointed that the action may be tried against him which taketh the profits, which was then *cestuy que use* by a statute made 1 R. III. Leases and estates made by *cestuy que use* are made good, and statutes by him acknowledged. 4 H. VII. the heir of *cestuy que use* is to be in ward. 16 H. VIII. the lord is to have relief upon the death of any *cestuy que use.*

27 H. 8. taking away all uses reduceth the law to the ancient form of conveyances of land by feoffment, fine, and recovery.

Which frauds nevertheless multiplying daily, in the end 27 H. VIII. the Parliament, purposing to take away all those uses, and reducing the law to the ancient form of conveying of lands by public livery of seisin, fine, and recovery, did ordain, that where lands were put in trust or use, there the possession and estate should be presently carried out of the friends in trust, and settled and invested on him that had the uses, for such term and time as he had the use.

The stat. of 32 H. 8. giveth power to dispose of lands by will.

By this statute of 27 H. VIII. the power of disposing land by will is clearly taken away amongst those frauds; whereupon 32 H. VIII. another statute was made, to give men power to give lands by will in this sort. First, it must be by will in writing. Secondly, he must be seised of an estate in fee-simple; for tenant for another man's life, or term in tail, cannot give land by will, by that statute, 32 H. VIII. he must be solely seised, and not jointly with another;

If a man be seised of capite lands and soccage, he cannot devise but two parts of the whole.

and then being thus seised, for all the land he holdeth in soccage tenure, he may give it by will, except he hold any piece of land in capite, by knight's service of the king; and then, laying all his lacks together, he can give but two parts by will, for the third part of the whole, as well in soccage as in capite, must descend to the heir, to answer wardship, livery, and primer seisin to the crown.

The third part must descend to the heir to answer guardship, livery, and [illegible]in to the crown.

And so if he hold lands by knight's service of a subject, he can devise of the land but two parts, and the third the lord by wardship, and the heir by descent, is to hold.

A conveyance by devise of capite lands to the wife for her jointure, or to his children for their good, to pay debts is void for a third part, by 32 H. 8.

And if a man that hath three acres of land holden in capite, by knight's service, do make a jointure to his wife of one, and convey another to any of his children, or to friends, to take the profits and to pay his debts, or legacies, or daughters' portions, then the third acre, or any part thereof, he cannot give by will, but must suffer it to descend to the heir, and that must satisfy wardship.

But a conveyance by act executed in the lifetime of the party of such lands to such uses is not void, but a third part; but if the heir be within age, he shall have one of the acres to be in ward.

Yet a man, having three acres as before, may convey all to his wife or children, by conveyance, in his lifetime, as by feoffment, fine, recovery, bargain, and sale, or covenant to stand seised to uses, and to disinherit the heir. But if the heir be within age when his father dieth, the king or other lord shall have that heir in ward, and shall have one of the three acres during the wardship, and to sue livery and seisin. But at full age the heir shall have no part of it, but it shall go according to the conveyance made by the father.

Entailed lands part of the thirds.
The king nor lord cannot intermeddle if a full third part be left to descend to the heir.

It hath been debated how the thirds shall be set forth. For it is the use that all lands which the father leaveth to descend to the heir, being fee-simple, or in tail, must be part of the thirds; and if it be a full third, then the king, nor heir, nor lord, can intermeddle with the rest; if it be not a full third, yet they must take it so much as it is, and have a supply out of the rest.

The manner of making suppl[y] when the [part] of the heir [is not] a full third.

This supply is to be taken thus; if it be the king's ward, then by a commission out of the court of wards, whereupon a jury by oath must set

forth so much as shall make up the thirds, except the officers of the court of wards can otherwise agree with the parties. If there be no wardship due to the king, then the other lord is to have this supply by a commission out of the chancery, and jury thereupon.

The statutes give power to the testator to set out the third himself, and if it be not a third part, yet the king or lord must take that in part, and have a supply out of the rest.

But in all those cases the statutes do give power to him that maketh the will to set forth, and appoint of himself, which lands shall go for thirds, and neither king nor lord can refuse it. And if it be not enough, yet they must take that in part, and only have a supply in manner as before is mentioned out of the rest.

Property in goods.

Of the several ways whereby a man may get property in goods or chattels.

1. By gift.
2. By sale.
3. By stealing.
4. By waving.
5. By straying.
6. By shipwreck.
7. By forfeiture.
8. By executorship.
9. By administration.
10. By legacy.

I. *Property by gift.*

A deed of gift of goods to de[ceive creditors void,] but good against the executors, administrators, or vender of the party himself.

By gift the property of goods may be passed by word or writing; but if there be a general deed of gift made of all his goods, this is suspicious to be done upon fraud, to deceive the creditors.

And if a man who is in debt make a deed of gift of all his goods to protract the taking of them in execution for his debt, this deed of gift is void, as against those to whom he stood indebted; but as against himself, his own executors or administrators, or any man to whom afterwards he shall sell or convey them, it is good.

II. *By sale.*

What is a sale *bona fide* and what not, when of trust betw the parties

Property in goods by sale. By sale any man may convey his own goods to another: and although he may fear execution for debts, yet he may sell them outright for money at any time before the execution served, so that there be no reservation of trust between them; paying the money, he shall have the goods again; for that trust, in such case, doth prove plainly a fraud to prevent the creditors from taking the goods in execution.

III. *By theft, or taking in jest.*

How a sale in it shall be

Property of goods by theft, or taking in jest. If any man steal my goods or chattels, or take them from me in jest, or borrow them of me, or as a trespasser or felon carry them to the market or fair, and sell them, this sale doth bar me of the property of my goods, saving that if he be a horse he must be ridden two hours in the market or fair, between ten and five o'clock, and tolled for in the toll book, and the seller must bring one to avouch his sale, known to the toll book keeper, or else the sale bindeth me not. And for any other goods, where the sale in a market or fair shall bar the owner, being not the seller of his property, it must be sale in a market or fair where usually things of that nature are sold. As for example: if a man steal a horse, and sell him in Smithfield, the true owner is barred by this sale; but if he sell the horse in Cheapside, Newgate, or Westminster Market, the true owner is not barred by this sale, because these markets are usual for flesh, fish, &c., and not for horses.

Of markets, [an]d what [m]arkets such made in.

So, whereas, by the custom of London, in every shop there is a market all the days of the week, saving Sundays and holidays. Yet if a piece of plate or jewel that is lost, or chain of gold or pearl that is stolen or borrowed, be sold in a draper's or scrivener's shop, or any others but a goldsmith, this sale barreth not the true owner, *et sic in similibus.*

The owner may seize his goods after they are stolen.

Yet by stealing alone of goods the thief getteth not such property, but that the owner may seize them again wheresoever he findeth them; except they were sold in fair or market, after they were stolen, and that *bona fide* without fraud.

If the thief be condemned for felony, or outlawed, or forfeit [the sto]len goods [the owner is without re]medy. But if [upon th]e fresh pursuit he may take his goods [with] the thief. Or if he prosecuted the law against the thief and convict him of the same felony, he shall have his goods again by a writ of restitution

But if the thief be condemned of the felony, or outlawed for the same, or outlawed in any personal action, or have committed a forfeiture of goods to the crown, then the true owner is without remedy.

Nevertheless, if fresh after the goods were stolen, the true owner maketh pursuit after the thief and goods, and taketh the goods with the thief, he may take them again. And if he make no fresh pursuit, yet if he prosecute the felon so far as a justice requireth, that is, to have him arraigned, indicted, and found guilty (though he be not hanged, nor have judgment of death,) or have him outlawed upon the indictment; in all these cases he shall have his goods again, by a writ of restitution to the party in whose hands they are.

IV. *By waving of goods.*

By waving of goods a property is gotten thus. A thief having stolen goods being pursued, flieth away and leaveth the goods. This leaving is called waving, and the property is in the king; except the lord of the manor have a right to it by custom or charter.

But if the felon be indicted, adjudged, or found guilty, or outlawed at the suit of the owner of

these goods, he shall have restitution of these goods as before.

V. *By straying.*

By straying property in live cattle is thus gotten. When they come into other men's grounds, straying from the owners, then the party or lord into whose grounds or manors they come causeth them to be seized, and a withe put about their necks, and to be cried in three markets adjoining, showing the marks of the cattle; which done, if the true owner claimeth them not within a year and a day, then the property of them is in the lord of the manor whereunto they did stray, if he have all strays by custom or charter, else to the king.

VI. *Wreck, and when it shall be said to be.*

By shipwreck property of goods is thus gotten. When a ship laden is cast away upon the coasts, so that no living creature that was in it when it began to sink escapeth to land with life, then all those goods are said to be wrecked, and they belong to the crown if they be found; except the lord of the soil adjoining can entitle himself unto them by custom, or by the king's charter.

VII. *Forfeitures.*

By forfeitures goods and chattels are thus gotten. If the owner be outlawed, if he be indicted of felony or treason, or either confess it, or be found guilty of it, or refuse to be tried by peers or jury, or be attainted by judgment, or fly for felony, although he be not guilty, or suffer the exigent to go forth against him, although he be not outlawed, or that he go over the seas without license, all the goods he had at the judgment he forfeiteth to the crown, except some lord by charter can claim them. For in those cases prescripts will not serve, except it be so ancient, that it hath had allowance before the justices in eyre in their circuits, or in the King's Bench in ancient time.

VIII. *By executorship.*

By executorship goods are gotten. When a man possessed of goods maketh his last will and testament in writing, or word, and maketh one or more executors thereof, these executors have by the will and death of the parties all the property of their goods, chattels, leases for years, wardships, and extents, and all right concerning those things.

Executors may, before probate, dispose of the goods, but not bring an action for any debt.

Those executors may meddle with the goods, and dispose them before they prove the will, but they cannot bring an action for any debt or duty before they have proved the will.

What probate of the will is, and in what manner it is made.

The proving of the will is thus. They are to exhibit the will into the bishop's court, and there they are to bring the witnesses, and there they are to be sworn, and the bishop's officers are to keep the will original, and certify the copy thereof in parchment under the bishop's seal of office, which parchment so sealed, is called the will proved.

IX. *By letters of administration.*

By letters of administration property in goods is thus gotten. When a man possessed of goods dieth without any will, there such goods as the executors should have had if he had made a will were by ancient law to come to the bishop of the diocess, to dispose for the good of his soul that died, he first paying his funerals and debts, and giving the rest, *ad pios usus*.

Pii usus.

This is now altered by statute laws, so as the bishops are to grant letters of administration of the goods at this day to the wife if she require it, or children, or next of kin; if they refuse it, as often they do, because the debts are greater than the estate will bear, then some creditor, or some other, will take it as the bishop's officers shall think meet. It groweth often in question what bishop shall have the right of proving wills, and granting administration of goods.

Where the intestate had *bona notabilia* in divers dioceses, where he died is to commit the administration.

In which controversy the rule is thus: That if the party dead had, at the time of his death, *bona* divers diocesses of some value, then the archbishop of the province where he died is to have the probate of his will, and to grant the administration of his goods as the case falleth out; otherwise, the bishop of the diocess where he died is to do it.

Executor may refuse before the bishop, if he have not intermeddled the goods.

If there be but one executor made, yet he may refuse the executorship coming before the bishop, so that he hath not intermeddled with any of the goods before, or with receiving debts, or paying legacies.

Executor ought to pay,
1. Judgments.
2. Stat. recogn.
3. Debts by bonds and bills sealed.
4. Rent unpaid.
5. Servants' wages.
6. Head workmen.
7. Shop book, and contracts by word.

And if there be more executors than one, so many as list may refuse; and if any one take it upon him, the rest that did once refuse may when they will take it upon them, and no executor shall be further charged with debts or legacies than the value of the goods come to his hands. So that he foresee that he pay debts upon record, first debts to the king, then upon judgments, statutes, recognizances, then debts by bond and bill sealed, rent unpaid, servants' wages, payment to head workmen, and, lastly, shop-books, and contracts by word. For if an executor, or administrator pay debts to others before to the king, or debts due by bond before those due by record, or debts

by shop-books and contracts before those by bond, arrearages of rent, and servants', or workmen's wages, he shall pay the same over again to those others in the said degrees.

Debts due in equal degree of record, the executor may pay which of them he pl[illegible] suit c[illegible] menced.

But yet the law giveth them choice, that where divers have debts due equal degree of record or specialty, he may pay which of them he will, before any suit brought against him; but if suit be brought he must pay them that get judgment against him.

Any one executor may do as much as all together, but if a debt be released, and assets wanting, he shall only be discharged.

Any one executor may convey the goods, or release debts without his companion, and any one by himself may do as much as all together; but one man's releasing of debts or selling of goods, shall not charge the other to pay so much of the goods, if there be not enough to pay debts; but it shall charge the party himself that did so release or convey.

Otherwise of administrators.

But it is not so with administrators, for they have but one authority given them by the bishop over the goods, which authority being given to many, is to be executed by all of them joined together.

Executor dieth making his executor, the second executor shall be executor to the first testator.

And if an executor die making an executor, the second executor is executor to the first testator.

But otherwise, if the administrator die making his executor, or if ad-[illegible] his goods.

But if an administrator die intestate, then his administrator shall not be executor or administrator to the first. But in that case the bishop, whom we call the ordinary, is to commit the administration of the first testator's goods to his wife, or next of kin, as if he had died intestate. Always provided, that that which the executor did in his lifetime is to be allowed for good.

In both cases the ordinary shall commit administration of the goods of the first intestate.

And so if an administrator die, and make his executor, the executor of the administrator shall not be executor to the first intestate; but the ordinary must new commit the administration of the goods of the first intestate again.

Executors or administrators may retain

If the executor or administrator pay debts, or funerals, or legacies of his own money, he may retain so much of the goods in kind, of the testator or intestate, and shall have property of it in kind.

X. *Property by legacy.*

Executors or administrators may retain; because the executors are charged to pay some debts before legacies.

Property by legacy is where a man maketh a will and executors, and giveth legacies, he or they to whom the legacies are given must have the assent of the executors, or one of them, to have his legacy, and the property of that lease, or other goods bequeathed unto him, is said to be in him; but he may not enter nor take his legacy without the assent of the executors, or one of them, because the executors are charged to pay debts before legacies. And if one of them assent to pay legacies, he shall pay the value thereof of his own purse if there be not otherwise sufficient to pay debts.

Legacies are to be paid before debts by shop-books, bills unsealed, or contracts by word.

But this is to be understood by debts of record to the king, or by bill and bond sealed, or arrearages of rent, or servants' or workmen's wages; and not debts of shop-books, or bills unsealed, or contract by word; for before them legacies are to be paid.

Executor may pay which legacy he will first. If the executors do want they may sell any legacy to pay debts.

And if the executors doubt that they shall not have enough to pay every legacy, they may pay which they list first; but they may not sell any special legacy which they will to pay debts, or a lease of goods to pay a money-legacy. But they may sell any legacy which they will to pay debts, if they have not enough besides.

When a will is made, and no executor named, administration is to be committed *cum testamento annexo*.

If a man make a will, and make no executors, or if the executors refuse, the ordinary is to commit administration *cum testamento annexo*, and take bonds of the administrators to perform the will, and he is to do it in such sort as the executor should have done, if he had been named.

THE ARGUMENTS IN LAW

OF

SIR FRANCIS BACON, KNIGHT,

THE KING'S SOLICITOR-GENERAL,

IN CERTAIN GREAT AND DIFFICULT CASES.

TO MY LOVING FRIENDS AND FELLOWS,

THE

READERS, ANCIENTS, UTTER-BARRISTERS, AND STUDENTS OF GRAY'S INN.

I do not hold the law of England in so mean an account, but that which other laws are held worthy of should be due likewise to our laws, as no less worthy for our state. Therefore, when I found that, not only in the ancient times, but now at this day, in France, Italy, and other nations, the speeches, and as they term them, pleadings, which have been made in judicial cases where the cases were mighty and famous, have been set down by those that made them, and published; so that not only Cicero, a Demosthenes, or an Æschines hath set forth his orations, as well in the judicial as deliberative, but a Marion and a Pavier have done the like by their pleadings; I know no reason why the same should not be brought in use by the professors of our law, for their arguments in principal cases. And this I think the more necessary, because the compendious form of reporting resolutions, with the substance of the reasons lately used by Sir Edward Coke, Lord Chief Justice of the King's Bench, doth not delineate or trace out to the young practisers of law a method and form of argument for them to imitate. It is true, I could have wished some abler person had begun; but it is a kind of order sometimes to begin with the meanest. Nevertheless, thus much I may say with modesty, that these arguments which I have set forth, most of them are upon subjects not vulgar; and therewithal, in regard of the commixture which the course of my life hath made of law with other studies, they may have the more variety, and perhaps the more depth of reason: for the reasons of municipal laws, severed from the grounds of nature, manners, and policy, are like wall flowers, which, though they grow high upon the crests of states, yet they have no deep root: besides, in all public services I ever valued my reputation more than my pains; and, therefore, in weighty causes I always used extraordinary diligence; in all which respects I persuade myself the reading of them will not be unprofitable. This work I knew not to whom to dedicate rather than to the Society of Gray's Inn, the place whence my father was called to the highest place of justice, and where myself have lived and had my procedure so far as, by his majesty's rare, if not singular grace, to be of both his councils; and therefore few men so bound to their societies by obligation, both ancestral and personal, as I am to yours, which I would gladly acknowledge, not only in having your name joined with mine own in a book, but in any other good office and effect which the active part of my life and place may enable me unto toward the society, or any of you in particular. And so I bid you right heartily farewell.

Your assured loving Friend and Fellow,

Francis Bacon.

THE

CASE OF IMPEACHMENT OF WASTE.

ARGUED

BEFORE ALL THE JUDGES IN THE EXCHEQUER CHAMBER.

THE case needs neither repeating nor opening. The point is, in substance, but one, familiar to be put, but difficult to be resolved; that is, Whether, upon a lease without impeachment of waste, the property of the timber trees, after severance, be not in him that is owner of the inheritance?

The case is of great weight, and the question of great difficulty: weighty it must needs be, for that it doth concern, or may concern all the lands in England; and difficult it must be, because this question sails *in confluentiis aquarum*, in the meeting or strife of two great tides. For there is a strong current of practice and opinion on the one side, and there is a more strong current, as I conceive, of authorities, both ancient and late, on the other side. And, therefore, according to the reverend custom of the realm, it is brought now to this assembly; and it is high time the question receive an end, the law a rule, and men's conveyances a direction.

This doubt ariseth and resteth upon two things to be considered; first, to consider of the interest and property of a timber tree, to whom it belongeth: and, secondly, to consider of the construction and operation of these words or clause, *absque impetitione vasti*: for within these two branches will aptly fall whatsoever can be pertinently spoken in this question, without obscuring the question by any other curious division.

For the first of these considerations, which is the interest or property of a timber tree, I will maintain and prove to your lordships three things.

First, That a timber tree, while it groweth, is merely parcel of the inheritance, as well as the soil itself.

And, secondly, I will prove, that when either nature or accident, or the hand of man hath made it transitory, and cut it off from the earth, it cannot change the owner, but the property of it goes where the inheritance was before. And thus much by the rules of the common law.

And, thirdly, I will show that the statute of Gloucester doth rather corroborate and confirm the property in the lessor than alter it, or transfer it to the lessee.

And for the second consideration, which is the force of that clause, *absque impetitione vasti*, I will also uphold and make good three other assertions.

First, That if that clause should be taken in the sense which the other side would force upon it, that it were a clause repugnant to the estate and void.

Secondly, That the sense which we conceive and give is natural in respect of the words; and for the matter agreeable to reason and the rules of law.

And, lastly, That if the interpretation seem ambiguous and doubtful, yet the very mischief itself, and consideration of the commonwealth, ought rather to incline your lordships' judgment to our construction.

My first assertion therefore is, that a timber tree is a solid parcel of the inheritance; which may seem a point admitted, and not worth the labouring. But there is such a chain in this case, as that which seemeth most plain, if it is sharply looked into, doth invincibly draw on that which is most doubtful. For if the tree be parcel of the inheritance unsevered, inherit in the reversion, severance will not alien it, nor the clause will not divest it.

To open, therefore, the nature of an inheritance; sense teacheth there be, of the soil and earth, parts that are raised and eminent, as timber trees, rocks, houses. There be parts that are sunk and depressed, as mines, which are called by some *arbores subterraneæ*, because that as trees have great branches and smaller boughs and twigs, so have they in their region greater and smaller veins; so if we had in England beds of porcelain, such as they have in China, which porcelain is a kind of a plaster buried in the earth, and by length of time congealed and glazed into that fine substance, this were as an artificial mine, and no doubt part of the inheritance. Then are the ordinary parts, which make the mass of the earth, as stone, gravel, loam, clay, and the like.

Now, as I make all these much in one degree, so there is none of them, not timber trees, not quarries, not minerals nor fossils, but hath a double nature; inheritable and real while it is contained within the mass of the earth, and transitory and personal when it is once severed. For even gold and precious stone, which is more durable out of earth than any tree is upon the earth, yet the law doth not hold of that dignity as to be matter of inheritance if it be once sever-

Nevil's case proving there are inheritance which are not local.

ed. And this is not because it becometh movable, for there be movable inheritances, as villains in gross, and dignities which are judged hereditaments; but because by their severance they lose their nature of perpetuity, which is of the essence of an inheritance.

The consent of the law with philosophy in distinguishing between perpetual and transitory.

And herein I do not a little admire the wisdom of the laws of England, and the consent which they have with the wisdom of philosophy and nature itself: for it is a maxim in philosophy that *in regione elementari nihil est æternum, nisi per propagationem speciei, aut per successionem partium.*

And it is most evident that the elements themselves, and their products, have a perpetuity not *in individuo*, but by supply and succession of parts. For example, the vestal fire that was nourished by the virgins at Rome was not the same fire still, but was in perpetual waste and in perpetual renovation. So it is of the sea and waters, it is not the same water individually, for that exhales by the sun, and is fed again by the showers. And so of the earth itself, and mines, quarries, and whatsoever it containeth, they are corruptible individually, and maintained only by succession of parts; and that lasteth no longer than they continue fixed to the main and mother globe of the earth, and is destroyed by their separation.

According to this I find the wisdom of the law, by imitation of the course of nature, to judge of inheritances and things transitory; for it alloweth no portions of the earth, no stone, no gold, no mineral, no tree, no mould to be longer inheritance than they adhere to the mass, and so are capable of supply in their parts; for by their continuance of body stands their continuance of time.

Neither is this matter of discourse, except the deep and profound reasons of law, which ought chiefly to be searched, shall be accounted discourse, as the slighter sort of wits, *Scioli*, may esteem them.

And, therefore, now that we have opened the nature of inheritable and transitory, let us see, upon a division of estates, and before severance, what kind of interests the law allotteth to the owner of inheritance, and what to the particular tenant, for they be competitors in this case.

The consent of the law with the civil law in the distinguishing between inheritance and particular estates, which hath relation to their division of *dominium* and *usus fructus* Owner in the stat. 4 H. 7.

First, In general the law doth assign to the lessor those parts of the soil conjoined, which have obtained the reputation to be durable, and of continuance, and such as being destroyed are not but by long time renewed; and to the terminors it assigneth such interests as are tender and feeble against the force of time, but have an annual or seasonable return or revenue. And herein it consents again with the wisdom of the civil law; for our inheritance and particular estate is in effect their *dominium* and *usus-fructus;* for so it was conceived upon the ancient statute of depopulations, 4 Hen. VII. which was penned, "that the owner of the land should re-edify the houses of husbandry," that the word owner, which answereth to *dominus*, was he that had the immediate inheritance; and so ran the later statutes. Let us see therefore what judgment the law maketh of a timber tree; and whether the law doth not place it within the lot of him that hath the inheritance as parcel thereof.

The writ of waste supposeth the felling timber to be *ad exhæredationem*.

First, It appeareth by the register out of the words of the writ of waste, that the waste is laid to be *ad exhæredationem*, which presupposeth *hæreditatem:* for there cannot be a disinherison by the cutting down of the tree, except there was an inheritance in the tree, *quia privatio præsupponit actum.*

The statute of Gloucester, *quod recuperet rem vastatam*, not *locum vastatum*.

Again it appeareth out of the words of the statute of Gloucester, well observed, that the tree and the soil are one entire thing, for the words are, *quod recuperet rem vastatam;* and yet the books speak, and the very judgment in waste is *quod recuperet locum vastatum*, which shows, that *res* and *locus* are in exposition of law taken indifferently; for the lessor shall not recover only the stem of the tree, but he shall recover the very soil, whereunto the stem continues. And therefore it is notably ruled in 22 H. VI. f. 13, that if the terminor do first cut down the tree, and then destroy the stem, the lessor shall declare upon two several wastes, and recover treble damages for them severally. But, says the book, he must bring but one writ, for he can recover the place wasted but once.

22 H. 6. f. 13.

Mullin's case.

And farther proof may be fitly alleged out of Mullin's case in the commentaries, where it is said, that for timber trees tithes shall not be paid. And the reason of the book is well to be observed; "for that tithes are to be paid for the revenue of the inheritance, and not for the inheritance itself."

Co. p. 4, f. 62.

Nay, my lords, it is notable to consider what a reputation the law gives to the trees, even after they are severed by grant, as may be plainly inferred out of Herlackenden's case, L. Coke, p. 4, f. 62. I mean the principal case; where it is resolved, that if the trees being excepted out of a lease granted to the lessee, or if the grantee of trees accept a lease of the land, the property of the trees drown not, as a term should drown in a freehold, but subsist as a chattel divided; which shows plainly, though they be made transitory, yet they still to some purpose savour of the inheritance: for if you go a little farther, and put the case of a state tail, which is a state of inheritance, then I think clearly they are reannexed. But, on the other side, if a man buy corn standing upon the ground, and take a

lease of the same ground, where the corn stands, I say plainly it is reaffixed, for *paria copulantur cum paribus.*

And it is no less worthy the note, what an operation the inheritance leaveth behind it in matter of waste, even when it is gone, as appeareth in the case of tenant after possibility, who shall not be punished; for though the new reason be, because his estate was not within the statute of Gloucester; yet I will not go from my old master Littleton's reason, which speaketh out of the depth of the common law, he shall not be punished "for the inheritance sake which was once in him."

But this will receive a great deal of illustration, by considering the terminor's estate, and the nature thereof, which was well defined by Mr. Heath, who spake excellent well to the case, that it is such as he ought to yield up the inheritance in as good plight as he received it; and therefore the word *firmarius*, which is the word of the statute of Marlebridge, cometh, as I conceive, *a firmando*; because he makes the profit of the inheritance, which otherwise should be upon account, and uncertain, firm and certain; and, accordingly, *feodi firma*, fee-farm, is a perpetuity certain. Therefore the nature and limit of a particular tenant is to make the inheritance certain, and not to make it worse.

The derivation and force of the word *firmarius.*

1. Therefore he cannot break the soil otherwise than with his ploughshare, to turn up perhaps a stone that lieth aloft; his interest is in *superficie*, not in *profundo*, he hath but *tunicam terræ*, little more than the vesture.

If we had fir timber here, as they have in Muscovy, he could not pierce the tree to make the pitch come forth, no more than he may break the earth.

So we see the evidence, which is *propugnaculum hæreditatis*, the fortress and defence of the land belongeth not to the lessee, but to the owner of the inheritance.

The evidence *propugnaculum hæreditatis.*

So the lessee's estate is not accounted of that dignity, that it can do homage, because it is a badge of continuance in the blood of lord and tenant. Neither for my own opinion can a particular tenant of a manor have aid *pour file marier, ou pour faire fitz chevalier*; because it is given by law upon an intendment of continuance of blood and privity between lord and tenant.

Homage importeth continuance in the blood. Particular tenants of seigniories shall not have aid.

And for the tree, which is now in question, do but consider in what a revolution the law moves, and as it were in an orb: for when the tree is young and tender, *germen terræ*, a sprout of the earth, the law giveth it to the lessee, as having a nature not permanent, and yet easily restored; when it comes to be a timber tree, and hath a nature solid and durable, the law carrieth it to the lessor. But after again if it become a sear and a dotard, and its solid parts grow putrefied, and, as the poet saith, *non jam mater alit tellus viresque ministrat*, then the law returns it back to the lessee. This is true justice, this is *suum cuique tribuere*; the law guiding all things with line of measure and proportion.

And therefore that interest of the lessee in the tree, which the books call a special property, is scarce worth that name. He shall have the shade, so shall he have the shade of a rock; but he shall not have a crystal or Bristol diamond growing upon the rock. He shall have the pannage; why? that is the fruit of the inheritance of a tree, as herb or grass is of the soil. He shall have seasonable loppings; why? so he shall have seasonable diggings of an open mine. So all these things are rather profits of the tree, than any special property in the tree. But about words we will not differ.

The phrase that the lessee hath a special property in the tree, very improper; for he hath but the profits of the tree.

So as I conclude this part, that the reason and wisdom of law doth match things, as they consort, ascribing to permanent states permanent interest, and to transitory states transitory interest; and you cannot alter this order of law by fancies of clauses and liberties, as I will tell you in the proper place. And therefore the tree standing belongs clearly to the owner of the inheritance.

Now come I to my second assertion, that by the severance the ownership or property cannot be altered; but that he that had the trees as part of the inheritance before, must have it as a chattel transitory after. This is pregnant and followeth of itself, for it is the same tree still, and, as the Scripture saith, *ubi arbor cadet, ita jacet.*

"The owner of the whole must needs own the parts; he that owneth the cloth owneth the thread, and he that owneth an engine when it is entire, owneth the parts when it is broken; breaking cannot alter property."

And therefore the book in Herlackenden's case doth not stick to give it somewhat plain terms; and to say that it were an absurd thing, that the lessee which hath a particular interest in the land, should have an absolute property in that which is part of the inheritance: you would have the shadow draw the body, and the twigs draw the trunk. These are truly called absurdities. And, therefore, in a conclusion so plain, it shall be sufficient to vouch the authorities without enforcing the reasons.

Herlackenden's case.

And although the division be good, that was made by Mr. Heath, that there be four manners of severances, that is, when the lessee fells the tree, or when the lessor fells it, or when a stranger fells it, or when the act of God, a tempest, fells it; yet this division tendeth rather to explanation than to proof, and I need it not, because I do maintain that in all these cases the property is in the lessor.

Three arguments of property, damages, ure, and rer to grant.

And therefore I will use a distribution which rather presseth the proof. The question is of property. There be three arguments of property; damages, seisure, and grant: and according to these I will examine the property of the trees by the authority of books.

And first for damages.

For damages, look into the books of the law, and you shall not find the lessee shall ever recover damages, not as they are a badge of property; for the damages, which he recovereth, are of two natures, either for the special property, as they call it, or as he is chargeable over. And for this, to avoid length, I will select three books, one where the lessee shall recover treble damages, another where he shall recover but for his special property, and the third where he shall recover for the body of the tree, which is a special case, and standeth merely upon a special reason.

44 E. 3, f. 27.

The first is the book of 44 E. III. f. 27, where it is agreed, that if tenant for life be, and a disseisor commit waste, the lessee shall recover in trespass as he shall answer in waste; but that this is a kind of recovery of damages, though *per accidens*, may appear plainly. For if the lessor die, whereby his action is gone, then the disseisor is likewise discharged, otherwise than for the special property.

9 E. 4, f. 35.

The second book is 9 E. IV. f. 35, where it is admitted, that if the lessor himself cut down the tree, the lessee shall recover but for his special profit of shade, pannage, loppings, because he is not charged over.

44 E. 3, f. 44.

The third is 44 E. III. f. 44, where it is said, that if the lessee fell trees to repair the barn, which is not ruinous in his own default, and the lessor come and take them away, he shall have trespass, and in that case he shall recover for the very body of the tree, for he hath an absolute property in them for that intent.

And that it is only for that intent appeareth notably by the book 3 *Ass.* f. 1. If the lessee after he hath cut down the tree employ it not to reparations, but employ other trees of better value, yet it is waste; which showeth plainly the property is respective to the employment.

38 Ass. f. 1.

5 E. 4, f. 100.

Nay, 5 E. IV. f. 100, goeth farther and showeth, that the special property which the lessee had was of the living tree, and determines, as Herlackenden's case saith, by severance; for, then, *magis dignum trahit ad se minus dignum:* for it saith, that the lessee cannot pay the workmen's wages with those parts of the tree which are not timber. And so I leave the first demonstration of property, which is by damages; except you will add the case of 27 H. VIII. f. 13, where it is said, that if tenant for life, and he in the reversion join a lease for years, and lessee for years fell timber trees, they shall join in an action of waste; but he in the reversion shall recover the whole damages: and great reason, for the special property was in the lessee for years, the general in him in the reversion, so the tenant for life meane had neither the one nor the other.

27 H. 8, f. 13.

Now, for the seisure, you may not look for plentiful authority in that: for the lessor, which had the more beneficial remedy by action for treble damages, had little reason to resort to the weaker remedy by seisure, and leases without impeachment were then rare, as I will tell you anon. And, therefore, the question of the seisure came chiefly in experience upon the case of the windfalls, which could not be punished by action of waste.

40 E. 3, pl. 22.

First, therefore, the case of 40 E. III. pl. 22, is express, where at the king's suit, in the behalf of the heir of Darcy, who was in ward, the king's lessee was questioned in waste, and justified the taking of the trees, because they were overthrown by winds, and taken away by a stranger. But Knevet saith, although one be guardian, yet the trees, when by their fall they are severed from the freehold, he hath no property of the chattels, but they appertain to the heir, and the heir shall have trespass of them against a stranger, and not the guardian, no more than the bailiff of a manor. So that that book rules the interest of the tree to be in the heir, and goes to a point farther, that he shall have trespass for them; but of seisure there had been no question.

2 H. 7, f. 14.

So again in 2 H. VII. the words of Brian are, that, for the timber trees, the lessor may take them; for they are his; and seemeth to take some difference between them and the gravel.

34 E. 3, f. 5.

The like reason is of the timber of a house, as appears 34 E. III. f. 5, abridged by Brook, tit. *Waste*, pl. 34, when it is said, it was doubted who should have the timber of a house which fell by tempest; and, saith the book, it seems it doth appertain to the lessor; and good reason, for it is no waste, and the lessee is not bound to re-edify it: and, therefore, it is reason the lessor have it; but Herlackenden's case goes farther, where it is said that the lessee may help himself with the timber, if he will re-edify it; but clearly he hath no interest but towards a special employment.

9 E. 4, f. 35.

Now, you have had a case of the timber tree, and of the timber of the house, now take a case of the mine, where that of the trees is likewise put, and that is 9 E. IV. f. 35, where it is said by Needham, that if a lease be made of land wherein there is tin, or iron, or lead, or coals, or quarry, and the lessor enter and take the tin or other materials, the lessee shall punish him for coming upon his land, but not for taking of the substances. And so of great trees;

but Danby goes farther, and saith, the law that gives him the thing, doth likewise give him means to come by it; but they both agree that the interest is in the lessor. And thus much for the seisure.

For the grant; it is not so certain a badge of property as the other two; for a man may have a property, and yet not grantable, because it is turned into a right, or otherwise suspended. And, therefore, it is true, that by the book in 21 H. VI. that if the lessor grant the trees, the grantee shall not take them, no, not after the lease expired; because this property is but *de futuro*, expectant; but it is as plain on the other side that the lessee cannot grant them, as was resolved in two notable cases, namely, the case of Marwood and Sanders, 41 El. *in communi banco;* where it was ruled, that the tenant of the inheritance may make a feoffment with exception of timber trees: but that if lessee for life or years set over his estate with an exception of the trees, the exception is utterly void; and the like resolution was in the case between Foster and Mills, plaintiff, and Spencer and Boord, defendant, 28 Eliz. rot. 820.

Marwood and Sanders. C.

Foster and Spencer's case.

Now come we to the authorities, which have an appearance to be against us, which are not many, and they be easily answered, not by distinguishing subtilly, but by marking the books advisedly.

1. There be two books that seem to cross the authorities touching the interest of the windfalls, 7 H. VI. and 44 E. III. f. 44, where, upon waste brought and assigned in the succision of trees, the justification is, that they were overthrown by wind, and so the lessee took them for fuel, and allowed for a good plea; but these books are reconciled two ways: first, look into both the justifications, and you shall find that the plea did not rely only in that they were windfalls, but couples it with this, that they were first sear, and then overthrown by wind; and that makes an end of it, for sear trees belong to the lessee, standing or felled, and you have a special replication in the book of 44 E. III. that the wind did but rend them, and buckle them, and that they bore fruit two years after. And, secondly, you have ill luck with your windfalls, for they be still apple trees, which are but wastes, *per accidens*, as willows or thorns are in the sight of a house; but when they are once felled they are clearly matter of fuel.

7 H. 6. 44 E. 3, f. 44.

Another kind of authorities, that make show against us, are those that say that the lessee shall punish the lessor in trespass for taking the trees, which are 5 H. IV. f. 29, and 1 Mar. *Dier.* f. 90, Mervin's case; and you might add if you will 9 E. IV. the case vouched before: unto which the answer is, that trespass must be understood for the special property, and not for the body of the tree; for those two books speak not a word what he shall recover, nor that it shall be to the value. And, therefore, 9 E. IV. is a good expositor, for that distinguisheth where the other two books speak indefinitely; yea, but 5 H. IV. goeth farther, and saith, that the writ shall purport *arbores suas*, which is true in respect of the special property; neither are writs to be varied according to special cases, but are framed to the general case, as upon lands recovered in value in tail, the writ shall suppose *donum*, a gift.

5. H. 4, f. 29. 1 Ma. f. 90.

And the third kind of authority is some books, as 13 H. VII. f. 9, that say, that trespass lies not by the lessor against the lessee for cutting down trees, but only waste; but that it is to be understood of trespass *vi et armis*, and would have come fitly in question if there had been no seisure in this case.

13 H. 7, f. 9.

Upon all which I conclude, that the whole current of authorities proveth the properties of the trees upon severance to be in the lessor by the rules of the common law; and that although the common law would not so far protect the folly of the lessor, as to give him remedy by action, where the state was created by his own act, yet, the law never took from him his property; so that, as to the property, before the statute and since, the law was ever one.

Now come I to the third assertion, that the statute of Gloucester hath not transferred the property of the lessee upon an intendment of recompense to the lessor; which needs no long speech: it is grounded upon a probable reason, and upon one special book.

The reason is, that damages are a recompense for property; and, therefore, that the statute of Gloucester giving damages should exclude property. The authority seems to be 12 E. IV. f. 8, where Catesbey, affirming that the lessee at will shall have the great trees, as well as lessee for years or life; Fairfax and Jennings correct it with a difference, that the lessor may take them in the case of tenant at will, because he hath no remedy by the statute, but not in case of the termors.

12 E. 4, f. 8.

This conceit may be reasonable thus far, that the lessee shall not both seise and bring waste; but if he seise, he shall not have his action; if he recover by action, he shall not seise; for a man shall not have both the thing and recompense; it is a bar to the highest inheritance, the kingdom of heaven, *receperunt mercedem suam.* But at the first, it is at his election whether remedy he will use, like as in the case of trespass: where if a man once recover in damages, it hath concluded and turned the property. Nay, I invert the argument upon the force of the statute of Gloucester thus: that if there had been no property at common law, yet the statute of Gloucester, by restraining the waste, and giving an action, doth imply a property: whereto a better case cannot

be put than the case upon the statute *de donis conditionalibus*, where there are no words to give any reversion or remainder; and yet the statute giving a *formedon*, where it lay not before, being but an action, implies an actual reversion and remainder.

A statute giving an action implieth an interest.

Thus have I passed over the first main part, which I have insisted upon the longer, because I shall have use of it for the clearing of the second.

Now to come to the force of the clause *absque impetitione vasti*. This clause must of necessity work in one of these degrees, either by way of grant of property, or by way of power and liberty knit to the state, or by way of discharge of action; whereof the first two I reject, the last I receive.

No grant of property.

Therefore, I think the other side will not affirm that this clause amounts to a grant of trees; for then, according to the resolution in Herlackenden's case, they should go to the executors, and the lessee might grant them over, and they might be taken after the state determined. Now it is plain that this liberty is created with the estate, passeth with the estate, and determines with the estate.

5 H. 5.

That appears by 5 Hen. V. where it is said, that if lessee for years without impeachment of waste accept a confirmation for life, the privilege is gone.

3 E. 3.
28 H. 8.

And so are the books in 3 E. III. and 28 H. VIII. that if a lease be made without impeachment of waste *pour autre vie*, the remainder to the lessee for life, the privilege is gone, because he is in of another estate; so then plainly it amounts to no grant of property, neither can it any ways touch the property, nor enlarge the special property of the lessee: for will any man say, that if you put Marwood and Sanders's case of a lease without impeachment of waste, that he may grant the land with the exception of the trees any more than an ordinary lessee? Or shall the windfalls be more his in this case than in the other? for he was not impeachable of waste for windfalls no more than where he hath the clause. Or will any man say, that if a stranger commit waste, such a lessee may seise. These things, I suppose, no man will affirm. Again, why should not a liberty or privilege in law be as strong as a privilege in fact? as in the case of tenant after possibility: or where there is a lessee for life the remainder for life? for in these cases they are privileged from waste, and yet that trenches not the property.

Now, therefore, to take the second course, that it should be as a real power annexed to the state; neither can that be, for it is the law that mouldeth estates, and not men's fancies. And, therefore, if men by clauses, like voluntaries in music, run not upon the grounds of law, and do restrain an estate more than the law restrains it, or enable an estate more than the law enables it, or guide an estate otherwise than the law guides it, they be mere repugnancies and vanities. And, therefore, if I make a feoffment in fee, provided the feoffee shall not fell timber, the clause of condition is void. And so, on the other side, if I make a lease with a power that he shall fell timber, it is void.

So if I make a lease with a power that he may make feoffment, or that he may make leases for forty years, or that if he make default I shall not be received, or that the lessee may do homage; these are plainly void, as against law, and repugnant to the state. No, this cannot be done by way of use, except the words be apt, as in Mildmay's case: neither is this clause, in the sense that they take it, any better.

Therefore, laying aside these two constructions, whereof the one is not maintained to be, the other cannot be: let us come to the true sense of this clause, which is by way of discharge of the action, and no more: wherein I will speak first of the words, then of the reason, then of the authorities which prove our sense, then of the practice, which is pretended to prove theirs; and, lastly, I will weigh the mischief how it stands for our construction or theirs.

It is an ignorant mistaking of any man to take impeachment for *impedimentum* and not for *impetitio*; for it is true that *impedimentum* doth extend to all hindrances, or disturbances, or interruptions, as well in *pais* as judicial. But *impetitio* is merely a judicial claim or interruption by suit in law, and upon the matter all one with *implacitatio*. Wherein first we may take light of the derivation of *impetitio*, which is a compound of the preposition *in* and the verb *peto*, whereof the verb *peto* itself doth signify a demand, but yet properly such a demand as is not *extrajudicial*: for the words *petit judicium petit auditum brevis*, &c., are words of acts judicial; as for the demand in *pais*, it is rather *requisitio* than *petitio*, as *licet sæpius requisitus*; so much for the verb *peto*. But the preposition *in* enforceth it more, which signifies against: as *Cicero in Verrem*, *in Catilinam*, and so in composition, to inveigh, is to speak against; so it is such a demand only where there is a party raised to demand against, that is, an adversary, which must be in a suit in law; and so it is used in records of law.

As Coke, lib. 1, f. 17, Porter's case, it was pleaded in bar, that *dicta domina regina nunc ipsos Johannem et Henricum Porter petere seu occasionare non debet*, that is, *implacitare*.

So likewise Coke l. 1, f. 27, case of Alton Woods, *quod dicta domina regina nunc ipsum proinde aliqualiter impetere seu occasionare non debet*.

So in the book of entries, f. 1, *lit.* D. 15 H. VII. rot. 2, *inter placita regis, et super hoc venit W. B. commonachus abbatis W. loci illius ordinarii, gerensque vices ipsius abbatis, ad quoscunque clericos de quolibet crimine coram domino rege impetitos sive irritatos calumniand'*. So much *ex vi et usu termini*.

For reason: first, it ought to be considered that the punishment of waste is strict and severe, because the penalty is great, treble damages, and the place wasted: and, again, because the lessee must undertake for the acts of strangers; whereupon I infer, that the reason which brought this clause in use, *ab initio*, was caution to save, and to free men from the extremity of the penalty, and not any intention to countermand the property.

Add to this, that the law doth assign in most cases double remedy, by matter of suit, and matter in pais; for disseisins, actions and entries; for trespasses, action and seisure; for nuisances, action and abatement: and, as Littleton doth instruct us, one of these remedies may be released without touching the other. If the disseisee release all actions, saith Littleton, yet my entry remains; but if I release all demands or remedies, or the like words of a general nature, it doth release the right itself. And, therefore, I may be of opinion, that if there be a clause of grant in my lease expressed, that if my lessee or his assigns cut down and take away any timber trees, that I and my heirs will not charge them by action, claim, seisure, or other interruption, either this shall inure by way of covenant only, or if you take it to inure by way of absolute discharge, it amounts to a grant of property in the trees, like as the case of 31 *Assis.* I grant, that if I pay not you ten pounds per annum at such feasts, you shall distrain for it in my manor of Dale, though this sound executory in power, yet it amounts to a present grant of a rent. So as I conclude that the discharge of action the law knows, grant of the property the law knows, but this same mathematical power being a power amounting to a property, and yet no property, and knit to a state that cannot bear it, the law knoweth not, *tertium penitus ignoramus.*

31 *Assis.* A clause that sounds to a power amounts to a property, if the state bear it.

For the authorities, they are of three kinds, two by inference, and the third direct.

The first I do collect upon the books of 42 Edw. III. fol. 23 and 24, by the difference taken by Mowbray, and agreed by the court, that the law doth intend the clause of disimpeachment of waste to be a discharge special, and not general or absolute; for there the principal case was, that there was a clause in the lease, that the lessor should not demand, any right, claim, or challenge in the lands during the life of the lessee. It is resolved by the book, that it is no bar in waste; but that if the clause had been, that the lessee should not have been impeached for waste, clearly a good bar; which demonstrates plainly, that general words, be they never so loud and strong, bear no more than the state will bear, and to any other purpose are idle. But special words that inure by way of discharge of action, are good and allowed by law.

42 E. 3, f. 23, 24.

The same reason is of the books 4 Ed. II. Fitzh. tit. waste 15, and 17 E. III. f. 7. Fitzh. tit. waste 101, where there was a clause, *Quod liceat facere commodum suum meliori modo quo poterit.* Yet, saith Skipwith, doth this amount, that he shall, for the making of his own profit, disinherit the lessor? *Nego consequentiam;* so that still the law allows not of the general discharge, but of the special that goeth to the action.

4 E. 2. Fitzh. tit. waste 15. 17 E. 3, f. 7. Fitzh. tit. waste 101.

The second authority by inference is out of 9 H. VI. fol. 35. Fitzh. tit. waste 39, and 32 H. VIII. Dyer, fol. 47, where the learning is taken, that notwithstanding this clause be inserted into a lease, yet a man may reserve unto himself remedy by entry: but, say I, if this clause should have that sense, which they on the other side would give it, namely, that it should amount to an absolute privilege and power of disposing, then were the proviso flat repugnant, all one as if it were *absque impetitione vasti, proviso quod non faciet vastum;* which are contradictories: and note well that in the book of 9 H. VI., the proviso is *quod non faceat vastum voluntarium in domibus;* which indeed doth but abridge in one kind, and therefore may stand without repugnancy: but in the latter book it is general, that is to say, *absque impetitione vasti, et si contigerit ipsum facere vastum tunc licebit reintrare.* And there Shelley making the objection, that the condition was repugnant, it is salved thus, *sed aliqui tenuerunt,* that this word *impetitione vasti* is to be understood that he shall not be impleaded by waste, or punished by action; and so indeed it ought: those *aliqui recte tenuerunt.*

9 H. 6. f. 35. Fitzh. tit. waste 39. 32 H. 8. Dyer, f. 47.

For the authorities direct, they are two, the one 27 H. VI. Fitzh. tit. waste 8, where a lease was made without impeachment of waste, and a stranger committed waste, and the rule is, that the lessee shall recover in trespass only for the crop of the tree, and not for the body of the tree. It is true it comes by a *dicitur,* but it is now a *legitur;* and a query there is, and reason, or else this long speech were time ill spent.

27 H. 6. Fitzh. tit. waste 8.

And the last authority is the case of Sir Moyle Finch and his mother, referred to my Lord Wrey and Sir Roger Manwood, resolved upon conference with other of the judges vouched by Wrey in Herlackenden's case, and reported to my lord chief justice here present, as a resolution of law, being our very case.

And, for the cases to the contrary, I know not one in all the law direct; they press the statute of Marlebridge, which hath an exception in the prohibition, *firmarii non facient vastum, etc. nisi specialem inde habuerint concessionem per scriptum conventionis, mentionem faciens, quod hoc facere possint.* This presseth not the question; for no man doubteth, but it will

Statute, &c. Marlebridge.

excuse in an action of waste; and, again, *nisi habeant specialem concessionem* may be meant of an absolute grant of the trees themselves; and otherwise the clause *absque impetitione vasti* taketh away the force of the statute, and looseth what the statute bindeth; but it toucheth not the property at common law.

Littleton. For Littleton's case, in his title Of Conditions, where it is said, that if a feoffment in fee be made upon condition, that the feoffee infeoff the husband and wife, and the heirs of their two bodies; and that the husband die, that now the feoffee ought to make a lease without impeachment of waste to the wife, the remainder to the right heirs of the body of her husband and her begotten; whereby it would be inferred, that such a lessee should have equal privilege with tenant in tail: the answer appears in Littleton's own words, which is, that the feoffee ought to go as near the condition, and as near the intent of the condition as he may. But to come near is not to reach, neither doth Littleton undertake for that.

Culpepper's 2 Eliz Dyer f. 184. As for Culpepper's case, it is obscurely put, and concluded in division of opinion; but yet so as it rather makes for us. The case is 2 Eliz. Dyer, fol. 184, and is in effect, this: a man makes a lease for years, excepting timber trees, and afterwards makes a lease without impeachment of waste to trees to John a Style, and then granteth the land and trees to John a Down, and binds himself to warrant and save harmless John a Down against John a Style; John a Style cutteth down the trees; the question was, whether the bond were forfeited? and that question resorteth to the other question: whether John a Style, by virtue of such lease, could fell the trees? and held by Weston and Brown that he could not: which proves plainly for us, that he had no property by that clause in the tree; though it is true that in that case the exception of the trees turneth the case, and so in effect it proveth neither way.

Practice. For the practice, if it were so ancient and common, as is conceived; yet since the authorities have not approved, but condemned it, it is no better than a popular error: it is but *pedum visa est via*, not *recta visa est via*. But I conceive it to be neither ancient nor common. It is true I find it first in 19 E. II. I mean such a clause, but it is one thing to say that the clause is ancient; and it is another thing to say that this exposition, which they would now introduce, is ancient. And therefore you must note that a practice doth then expound the law, when the act, which is practised, were merely tortuous or void, if the law should not approve it; but that is not the case here, for we agree the clause to be lawful; nay, we say that it is no sort inutile, but there is use of it, to avoid this severe penalty of treble damages. But, to speak plainly, I will tell you how this clause came in from 13 of E. I. till about 12 of E. IV. The state tail, though it had the qualities of an inheritance, yet it was without power to alien; but as soon as that was set at liberty, by common recoveries, then there must be found some other device, that a man might be an absolute owner of the land for the time, and yet not enabled to alien, and for that purpose was this clause found out; for you shall not find in one amongst a hundred, that farmers had it in their leases; but those that were once owners of the inheritance, and had put it over to their sons or next heirs, reserved such a beneficial 'state to themselves. And therefore the truth is, that the flood of this usage came in with perpetuities, save that the perpetuity was to make an inheritance like a stem for life, and this was to make a stem for life like an inheritance; both concurring in this, that they presume to create fantastical estates, contrary to the ground of law.

And, therefore, it is no matter though it went out with the perpetuities, as it came in, to the end that men that have not the inheritance should not have power to abuse the inheritance.

And for the mischief, and consideration of *bonum publicum*, certainly this clause with this opposition tendeth but to make houses ruinous, and to leave no timber upon the ground to build them up again; and therefore let men, in God's name, when they establish their states, and plant their sons or kinsmen in their inheritance of some portions of their lands, with reservation of the freehold to themselves, use it, and enjoy it in such sort, as may tend *ad ædificationem*, and not *ad destructionem*; for that it is good for posterity, and for the state in general.

And for the timber of this realm, it is *vivus thesaurus regni*; and it is the matter of our walls, walls not only of our houses, but of our island; so it is a general disinherison to the kingdom to favour that exposition, which tends to the decay of it, being so great already; and to favour waste when the times themselves are set upon waste and spoil. Therefore, since the reason and authorities of law, and policy of estate do meet, and that those that have, or shall have such conveyances, may enjoy the benefit of that clause to protect them in a moderate manner, that is, from the penalty of the action; it is both good law and good policy for the kingdom, and not injurious or inconvenient for particulars, to take this clause strictly, and therein to affirm the last report. And so I pray judgment for the plaintiff.

THE ARGUMENT

IN

LOW'S CASE OF TENURES,

IN THE KING'S BENCH.

The manor of Alderwasley, parcel of the duchy, and lying out of the county palatine, was, before the duchy came to the crown, held of the king by knight's service in capite. The land in question was held of the said manor in soccage. The duchy and this manor, parcel thereof, descended to King Henry IV. King Henry VIII. by letters patent the 19th of his reign, granted this manor to Anthony Low, grandfather of the ward, and then tenant of the land in question, reserving twenty-six pounds ten shillings rent and fealty, *tantum pro omnibus servitiis*, and this patent is under the duchy-seal only. The question is, how this tenancy is held, whether in capite or in soccage.

The case resteth upon a point, unto which all the questions arising are to be reduced.

The first is, whether this tenancy, being by the grant of the king of the manor to the tenant grown to a unity of possession with the manor, be held as the manor is held, which is expressed in the patent to be in soccage.

The second, whether the manor itself be held in soccage according to the last reservation, or in capite by revivor of the ancient seigniory, which was in capite before the duchy came to the crown.

Therefore my first proposition is, that this tenancy, which without all colour is no parcel of the manor, cannot be comprehended within the tenure reserved upon the manor, but that the law createth a several and distinct tenure thereupon, and that not guided according to the express tenure of the manor, but merely *secundum normam legis*, by the intendment and rule of law, which must be a tenure by knight's service in capite.

The king's tenures may take more hurt by a resolution in law, than by many suppressions or concealments.

And my second proposition is, that admitting that the tenure of the tenancy should ensue the tenure of the manor, yet, nevertheless, the manor itself, which was first held of the crown in capite, the tenure suspended by the conquest of the duchy to the crown, being now conveyed out of the crown under the duchy-seal only, which hath no power to touch or carry any interest, whereof the king was vested in right of the crown, is now so severed and disjoined from the ancient seigniory, which was in capite, as the same ancient seigniory is revived, and so the new reservation void; because the manor cannot be charged with two tenures.

This case concerneth one of the greatest and fairest flowers of the crown, which is the king's tenures, and that in their creation; which is more than their preservation: for if the rules and maxims of law in the first raising of tenures in capite be weakened, this nips the flower in the bud, and may do more hurt by a resolution in law, than the losses which the king's tenures do daily receive by oblivion or suppression, or the neglect of officers, or the iniquity of jurors, or other like blasts, whereby they are continually shaken: and therefore it behoveth us of the king's council to have a special care of this case, as much as in us is, to give satisfaction to the court. Therefore, before I come to argue these two points particularly, I will speak something of the favour of law towards tenures in capite, as that which will give a force and edge to all that I shall speak afterwards.

No land in the kingdom of England charged by way of tribute, and all land charged by way of tenure.

The constitution of this kingdom appeareth to be a free monarchy in nothing better than in this: that as there is no land of the subject that is charged to the crown by way of tribute, or tax, or talliage, except it be set by Parliament: so, on the other side there is no land of the subject but is charged to the crown by tenure, mediate or immediate, and that by the grounds of the common law. This is the excellent temper and commixture of this estate, bearing marks of the sovereignty of the king, and of the freedom of the subject from tax, whose possessions are *feodalia*, not *tributaria*.

Tenures, according to the most general division, are of two natures, the one containing matter of protection, and the other matter of profit; that of protection is likewise double, divine protection and military. The divine protection is chiefly procured by the prayers of holy and devout men; and great pity it is that it was depraved and corrupted with superstition: This begot the tenure in frankalmoigne, which, though in burden it is less than in soccage, yet in virtue it is more than knight's service. For we read how, during

the while Moses in the mount held up his hands, the Hebrews prevailed in battle; as well as when Elias prayed, rain came after drought, which made the plough go; so that I hold the tenure in frankalmoigne in the first institution indifferent to knight's service and soccage. Setting apart this tenure, there remain the other two, that of knight's service, and that of soccage; the one tending chiefly to defence and protection, the other to profit and maintenance of life. They are all three comprehended in the ancient verse, *Tu semper ora, tu protege, tuque labora.* But between these two services, knight's service and soccage, the law of England makes a great difference: for this kingdom, my lords, is a state neither effeminate nor merchantlike; but the laws give the honour unto arms and military service, like the laws of a nation before whom Julius Cæsar turned his back, as their own prophet says: *Territa quæsitis ostendit terga Britannis.* And, therefore, howsoever men, upon husbandlike considerations of profit, esteem of soccage tenures; yet the law, that looketh to the greatness of the kingdom, and proceedeth upon considerations of estate, giveth the pre-eminence altogether to knight's service.

We see that the ward, who is ward for knight's service land, is accounted in law disparaged, if he be tendered a marriage of the burghers' parentage: and we see that the knight's fees were by the ancient laws the materials of all nobility; for that it appears by divers records how many knight's fees should by computation go to a barony, and so to an earldom. Nay, we see that, in the very summons of Parliament, the knights of the shire are required to be chosen *milites gladio cincti*; so as the very call, though it were to council, bears a mark of arms and habiliments of war. To conclude, the whole composition of this warlike nation, and the favours of law, tend to the advancement of military virtue and service.

But now farther, amongst the tenures by knight's service, that of the king in capite is the most high and worthy; and the reason is double; partly because it is held by the king's crown and person, and partly because the law createth such a privity between the line of the crown and the inheritors of such tenancies, as there cannot be an alienation without the king's license, the penalty of which alienation was by the common law the forfeiture of the state itself, and by the statute of E. III. is reduced to fine and seizure. And although this also has been unworthily termed by the vulgar, not capite, captivity and thraldom; yet that which they count bondage, the law counteth honour, like to the case of tenants in tail of the king's advancement, which is a great restraint by the statute of 34 H. VIII., but yet by that statute it is imputed for an honour. This favour of law to the tenure by knight's service in capite produceth this effect, that wheresoever there is no express service effectually limited, or wheresoever that, which was once limited, faileth, the law evermore supplieth a tenure by knight's service in capite; if it be a blank once—that the law must fill it up, the law ever with her own hand writes, tenure by knight's service in capite. And therefore the resolution was notable by the judges of both benches, that where the king confirmed to his farmers' tenants for life, *tenend' per servitia debita*, this was tenure in capite; for other services are *servitia requisita*, required by the words of patents or grants; but that only is *servitium debitum*, by the rules of law.

44 E. 3, f. 46.

The course, therefore, that I will hold in the proof of the first main point, shall be this. First, I will show, maintain, and fortify my former grounds, that wheresoever the law createth the tenure of the king, the law hath no variety, but always raises a tenure in capite.

Secondly, that in the case present, there is not any such tenure expressed, as can take place, and exclude the tenure in law, but that there is, as it were, a lapse to the law.

And, lastly, I will show in what cases the former general rule receiveth some show of exception; and will show the difference between them and our case; wherein I shall include an answer to all that hath been said on the other side.

For my first proposition I will divide into four branches; first, I say, where there is no tenure reserved, the law createth a tenure in capite; secondly, where the tenure is uncertain; thirdly, where the tenure reserved is impossible or repugnant to law; and, lastly, where a tenure once created is afterwards extinct.

For the first, if the king give lands and say nothing of the tenure, this is a tenure in capite; nay, if the king give whiteacre and blackacre, and reserves a tenure only of whiteacre, and that a tenure expressed to be in soccage; yet you shall not for fellowship-sake, because they are in one patent, intend the like tenure of blackacre; but that shall be held in capite.

Per Prisot in fine, 33 H. 6, f. 7.
8 H. 7, f. 3, b.

So, if the king grant land, held as of a manor, with warranty, and a special clause of recompense, and the tenant be impleaded, and recover in value, this land shall be held in capite, and not of the manor.

So, if the king exchange the manor of Dale for the manor of Sale, which is held in soccage, although it be by the word *excambium*, yet that goeth to equality of the state, not of the tenure, and the manor of Dale, if no tenure be expressed, shall be held in capite. So much for silence of tenure.

For the second branch, which is uncertainty of tenure; first, where an *ignoramus* is found by office, this, by the common law, is a tenure in capite, which is most for the king's benefit; and the presumption of law is so strong, that it amounts to a direct finding or affirmative, and the party shall have a negative or traverse, which is somewhat strange to a thing indefinite.

5 Mar. Dyer, 44.
Eliz. Dyer, 208.

So if in ancient time one held of the king, as of a manor by knight's service, and the land return to the king by attainder, and then the king granteth it *tenend' per fidelitatem tantum*, and it returneth the second time to the king, and the king granteth it *per servitia antehac consueta*; now, because of the uncertainty, neither service shall take place, and the tenure shall be in capite, as was the opinion of you, my lord chief justice, where you were commissioner to find an office after Austin's death.

Austin's office.

So if the king grant land *tenend' de manerio de* East Greenwich *vel de honore de* Hampton, this is void for the non-certainty, and shall be held of the king in capite.

For the third branch, if the king limit land to be discharged of tenure, as *absque aliquo inde reddendo*, this is a tenure in capite, and yet, if one should go to the next, *ad proximum*, it should be a soccage, for the least is next to none at all; but you may not take the king's grant by argument; but, where they cannot take place effectually and punctually, as they are expressed, there you shall resort wholly to the judgment of the law.

20 H. 6, f. 7.

So if the king grant land *tenend' si frankment come il en son corone*, this is a tenure in capite.

14 H. 6, f. 12.

If land be given to be held of a lordship not capable, as of Salisbury Plain, or a corporation not in esse, or of the manor of a subject, this is a tenure in capite.

Merefeild's case.

So if land be given to hold by impossible service, as by performing the office of the sheriff of Yorkshire, which no man can do but the sheriff, and fealty for all service, this is a tenure in capite.

For the fourth branch, which cometh nearest to our case; let us see where a seigniory was once, and is after extinguished; this may be in two manners, by release in fact, or by unity of profession, which is a release or discharge in law.

And, therefore, let the case be, that the king releaseth to his tenant that holds of him in soccage; this release is good, and the tenant shall now hold in capite, for the former tenure being discharged, the tenure in law ariseth.

Vide 30 H. 8. Dyer 8. H. 7, f. 13.

So the case, which is in 1 E. III., a fine is levied to J. S. in tail, the remainder ouster to the king, the state tail shall be held in capite, and the first tenancy, if it were in soccage, by the unity of the tenancy, shall be discharged, and a new raised thereupon: and therefore the opinion, or rather the *query* in Dyer, no law.

1 E. 3, f. 4. fine accept.

Thus much for my major proposition: now for the minor, or the assumption, it is this: first, that the land in question is discharged of tenure by the purchase of the manor; then, that the reservation of the service upon the manor cannot possibly inure to the tenancy; and then, if a corruption be of the first tenure, and no generation of the new, then cometh in the tenure *per norman legis*, which is in capite.

4 et 5 P. M.

And the course of my proof shall be *ab enumeratione partium*, which is one of the clearest and most forcible kinds of argument.

If this parcel of land be held by fealty and rent *tantum*, either it is the old fealty before the purchase of the manor, or it is the new fealty reserved and expressed upon the grant of the manor, or it is a new fealty raised by intendment of law in conformity and congruity of the fealty reserved upon the manor; but none of these, *ergo*, &c.

That it should be the old fealty, is void of sense; for it is not *ad eosdem terminos*. The first fealty was between the tenancy and the manor, that tenure is by the unity extinct. Secondly, that was a tenure of a manor, this is a tenure in gross. Thirdly, the rent of twenty-six pounds ten shillings must needs be new, and will you have a new rent with an old fealty? These things are *portenta in lege*; nay, I demand if the tenure of the tenancy, Low's tenure, had been by knight's service, would you have said that had remained? No, but that it was altered by the new reservation; *ergo*, no colour of the old fealty.

That it cannot be the new fealty is also manifest; for the new reservation is upon the manor, and this is no part of the manor: for if it had escheated to the king in an ordinary escheat, or come to him upon a mortmain, in these cases it had come in lieu of the seigniory, and been parcel of the manor, and so within the reservation, but clearly not upon a purchase in fact.

Again, the reservation cannot inure, but upon that which is granted; and this tenancy was never granted, but was in the tenant before; and therefore no colour it should come under the reservation. But if it be said, that nevertheless the seigniory of that tenancy was parcel of the manor, and is also granted; and although it be extinct in substance, yet it may be in esse as to the king's service: this deserveth answer: for this assertion may be colourably inferred out of Carr's case.

9 Eliz. Coke, Lib. 3, f. 30.

King Edward VI. grants a manor, rendering ninety-four pounds rent in fee farm *tenendum de* East Greenwich in soccage; and after, Queen Mary granteth these rents amongst other things *tenendum in capite*, and the grantee released to the heir of the tenant; yet the rent shall be in esse, as to the king, but the land, saith the book, shall be devisable by the statute for the whole, as not held in capite.

And so the case of the honour of Pickeringe, where the king granted the bailiwick rendering rent; and after granted the honour, and the bailiwick became forfeited, and

25 Ass. pl. 60.

the grantee took forfeiture thereof, whereby it was extinct; yet the rent remaineth as to the king out of the bailiwick extinct.

These two cases partly make not against us, and partly make for us: there be two differences that avoid them. First, there the tenures or rents are in esse in those cases for the king's benefit, and here they should be in esse to the king's prejudice, who should otherwise have a more beneficial tenure. Again, in these cases the first reservation was of a thing in esse at the time of the reservation; and then there is no reason the act subsequent of the king's tenant should prejudice the king's interest once vested and settled: but here the reservation was never good, because it is out of a thing extinct in the instant.

But the plain reason which turneth Carr's case mainly for us, is, for that where the tenure is of a rent or seigniory, which is afterwards drowned or extinct in the land, yet the law judgeth the same rent or seigniory to be in esse, as to support the tenure: but of what? only of the said rent or seigniory, and never of the land itself; for the land shall be held by the same tenure it was before. And so is the rule of Carr's case, where it is adjudged, that though the rent be held in capite, yet the land was nevertheless devisable for the whole, as no ways charged with that tenure.

Why, then, in our case, let the fealty be reserved out of the seigniory extinct, yet that toucheth not at all the land: and then of necessity the land must be also held; and therefore you must seek out a new tenure for the land, and that must be in capite.

And let this be noted once for all, that our case is not like the common cases of a menalty extinct, where the tenant shall hold of the lord, as the mean held before; as where the menalty is granted to the tenant, or where the tenancy is granted to the mean, or where the menalty descendeth to the tenant, or where the menalty is forejudged. In all these cases the tenancy, I grant, is held as the menalty was held before, and the difference is because there was an old seigniory in being; which remaineth untouched and unaltered, save that it is drawn a degree nearer to the land, so as there is no question in the world of a new tenure; but in our case there was no lord paramount, for the manor itself was in the crown, and not held at all, nor no seigniory of the manor in esse; so as the question is wholly upon the creation of a new seigniory, and not upon the continuance of an old.

For the third course, that the law should create a new distinct tenure by fealty of this parcel, guided by the express tenure upon the manor; it is the probablest course of the three: but yet, if the former authorities I have alleged be well understood and marked, they show the law plainly, that it cannot be; for you shall ever take the king's grant *ad idem*, and not *ad simile*, or *ad proximum*, no more than in the case of the *absque aliquo reddendo*, or as free as the crown; who would not say that in those cases it should amount to a soccage tenure? for *minimum est nihilo proximum*: and yet they are tenures by knight's service in capite. So if the king by one patent pass two acres, and a fealty reserved but upon the one of them, you shall not resort to this *ut expressum servitium regat, vel declaret tacitum*. No more shall you in our case imply that the express tenure reserved upon the manor shall govern, or declare the tenure of the tenancy, or control the intendment of law concerning the same.

Now will I answer the cases, which give some shadow on the contrary side, and show they have their particular reasons, and do not impugn our case.

First, if the king have land by attainder of treason, and grant the land to be held of himself, and of other lords, this is no new tenure *per normam legis communis*; but the old tenure *per normam statuti*, which taketh away the intendment of the common law; for the statute directeth it so, and otherwise the king shall do a wrong.

So if the king grant land parcel of the demesne of a manor *tenendum de nobis*, or reserving no tenure at all, this is a tenure of the manor or of the honour, and not in capite: for here the more vehement presumption controlleth the less; for the law doth presume the king hath no intent to dismember it from the manor, and so to lose his court and the perquisites.

So if the king grant land *tenendum* by a rose *pro omnibus serviliis*, this is not like the cases of the *absque aliquo inde reddendo*, or as free as the crown; for *pro omnibus servitiis* shall be intended for all express service: whereas, fealty is incident, and passeth tacit, and so it is no impossible or repugnant reservation.

28 H. 6, f. 56, a.

The case of the frankalmoigne, I mean the case where the king grants lands of the Templers to J. S. to hold as the Templers did, which cannot be frankalmoigne; and yet hath been ruled to be no tenure by knight's service in capite, but only a soccage tenure, is easily answered; for that the frankalmoigne is but a species of a tenure in soccage with a privilege, so the privilege ceaseth, and the tenure remains.

This frankalmoigne.

Wood's case.

To conclude, therefore, I sum up my arguments thus: My major is, where *calamus legis* doth write the tenure, it is knight's service in capite. My minor is, this tenure is left to the law; *ergo*, this tenure is in capite.

For the second point, I will first speak of it according to the rules of the common law, and then upon the statutes of the duchy.

First, I do grant, that where a seigniory and a tenancy, or a rent and land, or trees and land, or the like primitive and secondary interest are conjoined in one person, yea, though it be in *autre*

droit; yet, if it be of like perdurable estate, they are so extinct, as by act in law they may be revived, but by grant they cannot.

For, if a man have a seigniory in his own right, and the land descend to his wife, and his wife dieth without issue, the seigniory is revived; but if he will make a feoffment in fee, saving his rent, he cannot do it. But there is a great difference, and let it be well observed, between *autre capacitie* and *autre droit*; for in case of *autre capacitie* the interests are *contigua*, and not *continua*, conjoined, but not confounded. And, therefore, if the master of an hospital have a seigniory, and the mayor and commonalty of St. Albans have a tenancy, and the master of the hospital be made mayor, and the mayor grant away the tenancy under the seal of the mayor and commonalty, the seigniory of the hospital is revived.

So between natural capacity and politic, if a man have a seigniory to him and his heirs, and a bishop is tenant, and the lord is made bishop, and the bishop, before the statute, grants away the land under the chapter's seal, the seigniory is revived.

The same reason is between the capacity of the crown and the capacity of the duchy, which is in the king's natural capacity, though illustrated with some privileges of the crown; if the king have the seigniory in the right of his crown, and the tenancy in the right of the duchy, as our case is, and make a feoffment of the tenancy, the tenure must be revived; and this is by the ground of the common law. But the case is the more strong by reason of the statute of 1 H. IV., 3 H. V. and 1 H. VII. of the duchy, by which the duchy-seal is enabled to pass lands of the duchy, but no ways to touch the crown: and whether the king be in actual possession of the thing that should pass, or have only a right, or a condition, or a thing in suspense, as our case is, all is one; for that seal will not extinguish so much as a spark of that which is in the right of the crown; and so a plain revivor.

And if it be said that a mischief will follow, for that upon every duchy patent men shall not know how to hold, because men must go back to the ancient tenure, and not rest on the terms limited; for this mischief there grows an easy remedy, which, likewise, is now in use, which is to take both seals, and then all is safe.

Secondly, as the king cannot under the duchy-seal grant away his ancient seigniory in the right of his crown, so he cannot make any new reservation by that seal, and so, of necessity, it falleth to the law to make the tenure; for every reservation must be of the nature of that that passeth, as a dean and chapter cannot grant land of the chapter, and reserve a rent to the dean and his heirs, nor *e converso*: nor no more can the king grant land of the duchy under that seal, and reserve a tenure to the crown: and therefore it is warily put in the end of the case of the duchy in the commentaries, where it is said, if the king make a feoffment of the duchy land, the feoffee shall hold in capite; but not a word of that it should be by way of express reservation, but upon a feoffment simply, the law shall work it and supply it.

To conclude, there is direct authority in the point, but that it is *via versa*; and it was the Bishop of Salisbury's case: the king had in the right of the duchy a rent issuing out of land, which was monastery land, which he had in the right of the crown, and granted away the land under the great seal of the bishop; and yet, nevertheless, the rent continued to the duchy, and so upon great and grave advice it was in the duchy decreed: so, as your lordship seeth, whether you take the tenure of the tenancy, or the tenure of the manor, this land must be held in capite. And, therefore, &c.

THE

CASE OF REVOCATION OF USES,

IN THE KING'S BENCH.

The Case, shortly put, without Names or Dates more than of Necessity, is this.

Sir John Stanhope conveys the manor of Burrough-ash to his lady for part of her jointure, and intending, as is manifest, not to restrain himself, nor his son, from disposing some proportion of that land according to their occasions, so as my lady were at no loss by the exchange, inserteth into the conveyance a power of revocation and alteration in this manner; provided that it shall be lawful for himself and his son successively to alter and make void the uses, and to limit and appoint new uses, so it exceed not the value of twenty pounds, to be computed after the rents then answered: and that immediately after such

declaration, or making void, the feoffees shall stand seised to such new uses; *ita quod*, her or his son, within six months after such declaration, or making void shall assure, within the same town, *tantum terrarum et tenementorum, et similis valoris*, as were so revoked, to the uses expressed in the first conveyance.

Sir John Stanhope, his son, revokes the land in Burrough-ash, and other parcels not exceeding the value of twenty pounds, and within six months assures to my lady and to the former uses Burton-joice and other lands; and the jury have found that the lands revoked contain twice so much in number of acres, and twice so much in yearly value, as the new lands, but yet that the new lands are rented at twenty-one pounds, and find the lands of Burrough-ash now out of lease formerly made: and that no notice of this new assurance was given before the ejectment, but only that Sir John Stanhope had, by word, told his mother that such an assurance was made, not showing or delivering the deed.

The question is, Whether Burrough-ash be well revoked? Which question divides itself into three points.

First, whether the *ita quod* be a void and idle clause? for if so, then there needs no new assurance, but the revocation is absolute *per se*.

The next is, if it be an effectual clause, whether it be pursued or no? wherein the question will rest, whether the value of the reassured lands shall be only computed by rents?

And the third is, if in other points it should be well pursued, yet whether the revocation can work until a sufficient notice of the new assurance?

And I shall prove plainly, that *ita quod* stands well with the power of revocation; and if it should fall to the ground, it draws all the rest of the clause with it, and makes the whole void, and cannot be void alone by itself.

I shall prove likewise that the value must needs be accounted not a tale value, or an arithmetical value by the rent, but a true value in quantity and quality.

And, lastly, that a notice is of necessity, as this case is.

I will not deny, but it is a great power of wit to make clear things doubtful; but it is the true use of wit to make doubtful things clear, or at least to maintain things that are clear to be clear, as they are. And in that kind I conceive my labour will be in this case, which I hold to be a case rather of novelty than difficulty, and, therefore, may require argument, but will not endure much argument, but, to speak plainly to my understanding, as the case hath no equity in it, I might say piety, so it hath no great doubt in law.

First, therefore, this it is, that I affirm that the clause so that, *ita quod*, containing the recompense, governs the clause precedent of the power, and that it makes it wait and expect otherwise than as by way of inception, but the effect and operation is suspended, till that part also be performed; and if otherwise, then I say plainly, you shall not construe by fractions; but the whole clause and power is void, not *in tanto*, but *in toto*. Of the first of them I will give four reasons.

The first reason is, that the wisdom of the law useth to transpose words according to the sense; and not so much to respect how the words do take place, but how the acts, which are guided by those words, may take place.

Hill and Graunger's case, comment. 171. A man in August makes a lease, rendering ten pounds rent yearly to be paid at the feasts of Annunciation and Michaelmas; these words shall be inverted by law, as if they had been set thus, at Michaelmas and the Annunciation: for else he cannot have a rent yearly; for there will be fourteen months to the first year.

Hill and Graunger's case, com. f. 171.

Fitzwilliams's case, 2 Jac. Co. p. 6, f. 33, it was contained in an indenture of uses, that Sir William Fitzwilliams should have power to alter, and change, revoke, determine, and make void the uses limited: the words are placed disorderly; for it is in nature first to determine the uses, and after to change them by limitation of new. But the chief question being in the book, whether it might be done by the same deed; it is admitted and thought not worth the speaking to, that the law shall marshal the acts against the order of the words, that is, first to make void, then to limit.

Fitzwilliams's case, 2 Jac. Co. p. 6, f. 33.

So if I convey land and covenant with you to make farther assurance, so that you require it of me, there, though the request be placed last, yet it must be acted first.

So if I let land to you for a term, and say, farther, it shall be lawful for you to take twenty timber trees to erect a new tenement upon the land, so that my bailiff do assign you where you shall take them, here the assignment, though last placed, must precede. And, therefore, the grammarians do infer well upon the word period, which is a full and complete clause or sentence, that it is *complexus orationis circularis*: for as in a circle there is not *prius* nor *posterius*, so in one sentence you shall not respect the placing of words; but though the words lie in length, yet the sense is round, so as *prima erunt novissima et novissima prima*. For though you cannot speak all at once so, yet you must construe and judge upon all at once.

To apply this; I say these words, so that, though *loco et textu posteriora*, yet they be *potestate et sensu priora*: as if they had been penned thus, that it shall be lawful for Sir Thomas Stanhope, so that he assure lands, &c., to revoke; and what difference between, so that he assure, he may

revoke; or, he may revoke, so that he assure; for you must either make the "so that" to be precedent or void, as I shall tell you anon. And, therefore, the law will rather invert the words than pervert the sense.

But it will be said, that in the cases I put it is left indefinite, when the act last limited shall be performed; and so the law may marshal it as it may stand with possibility; and so if it had been in this case no more but, so that Sir Thomas or John should assure new lands, and no time spoken of, the law might have intended it precedent. But in this case it is precisely put to be at any time within six months after the declaration, and, therefore, you cannot vary in the times.

To this I answer, that the new assurance must be in deed in time after the instrument or deed of the declaration; but, on the other side, it must be time precedent to the operation of the law, by determining the uses thereupon; so it is not to be applied so much to the declaration itself, but to the warrant of the declaration. It shall be lawful, so that, &c. And this will appear more plainly by my second reason, to which now I come; for as for the cavillation upon the word immediately, I will speak to it after.

My second reason, therefore, is out of the use and signification of this conjunction or bond of speech, "so that:" for no man will make any great doubt of it, if the words had been *si*, if Sir Thomas shall within six months of such declaration convey; but that it must have been intended precedent; yet, if you mark it well, these words *ita quod* and *si*, howsoever in propriety the *ita quod* may seem subsequent, and the *si* precedent, yet they both bow to the sense.

4 E. 6. Pl. Com. Colthurst's cas

So we see in 4 Edw. VI. Colthurst's case a man leaseth to J. S. a house, *si ipse vellet habitare et residens esse;* there the word *si* amounts to a condition subsequent; for he could not be resident before he took the state; and so, *via versa* may *ita quod* be precedent, for else it must be idle and void. But I go farther, for I say *ita quod*, though it be good words of condition, yet more properly it is neither condition, precedent, nor subsequent, but rather a qualification, or form, or adherent to the acts, whereto it is joined, and made part of their essence, which will appear evidently by other cases. For, allow it had been thus, so that the deed of declaration be enrolled within six months, this is all one, as by deed enrolled within six months, as it is said in Digg's case, 42 Eliz. f. 173, that by deed indented to be enrolled is all one with deed indented and enrolled. It is but a *modus faciendi*, a description, and of the same nature is the *ita quod;* so, if it had been thus, it shall be lawful for Sir Thomas to declare, so that the declaration be with the consent of my lord chief justice, is it not all one with the more compendious form of penning, that Sir Thomas shall declare with the consent of my lord chief justice? And if it had been thus, so that Sir John, within six months after such declaration, shall obtain the consent of my lord chief justice, should not the uses have expected? But these, you will say, are forms and circumstances annexed to the conveyance required: why, surely, any collateral matter coupled by the *ita quod* is as strong? If the *ita quod* had been, that Sir John Stanhope within six months should have paid my lady one thousand pounds, or entered into bond never more to disturb her, or the like, all these make but one entire idea or notion, how that his power should not be categorical, or simple, at pleasure, but hypothetical, and qualified, and restrained, that is to say, not the one without the other, and they are parts incorporated into the nature and essence of the authority itself.

Digg's case, 42 Eliz. Co. P. l. f. 173.

The third reason is, the justice of the law in taking words so as no material part of the parties' intent perish; for, as one saith, *præstat torquere verba quam homines*, better wrest words out of place than my Lady Stanhope out of her jointure, that was meant to her. And, therefore, it is elegantly said in Fitzwilliams's case, which I vouched before, though words be contradictory, and, to use the phrase of the book, *pugnant tanquam ex diametro;* yet the law delighteth to make atonement, as well between words as between parties, and will reconcile them so as they may stand, and abhorreth a *vacuum*, as well as nature abhorreth it; and, as nature, to avoid a *vacuum*, will draw substances contrary to their propriety, so will the law draw words. Therefore, saith Littleton, if I make a feoffment *reddendo* rent to a stranger, this is a condition to the feoffor, rather than it shall be void, which is quite cross; it sounds a rent, it works a condition, it is limited to a third person, it inureth to the feoffor; and yet the law favoureth not conditions, but to avoid a *vacuum*.

45 E. 3.

So in the case of 45 E. III., a man gives land in frank-marriage, the remainder in fee. The frank-marriage is first put, and that can be but by tenure of the donor; yet, rather than the remainder should be void, though it be last placed, the frank-marriage, being but a privilege of estate, shall be destroyed.

So 33 H. VI., Tressham's case; the king granteth a wardship before it fall; good, because it cannot inure by covenant, and if it should not be good by plea, as the book terms it, it were void; so that, no, not in the king's case, the law will not admit words to be void.

So then the intent appears most plainly, that this act of Sir John should be *actus geminus*, a kind of twine to take back and to give back, and to make an exchange, and not a resumption; and, therefore, upon a conceit of repugnancy, to take the one part, which is the privation of my lady's jointure, and not the other, which is the restitution or compensation, were a thing

utterly injurious in matter, and absurd in construction.

The fourth reason is out of the nature of the conveyance, which is by way of use, and therefore ought to be construed more favourably, according to the intent, and not literally or strictly; for although it be said in Frene and Dillon's case, and in Fitzwilliams's case, that it is safe so to construe the statute of 27 H. VIII. as that uses may be made subject to the rules of the common law, which the professors of the law do know, and not to leave them to be extravagant and irregular; yet, if the late authorities be well marked, and the reason of them, you shall find this difference, that uses in point of operation are reduced to a kind of conformity with the rules of the common law, but that in point of exposition of words they retain somewhat of their ancient nature, and are expounded more liberally, according to the intent; for with that part the statute of 27 doth not meddle. And, therefore, if the question be, whether a bargain and sale upon condition be good to reduce the state back without an entry? or whether, if a man make a feoffment in fee to the use of John a Style for years, the remainder to the right heirs of John a Downe, this remainder be good or no? these cases will follow the grounds of the common law for possessions, in point of operation; but so will it not be in point of exposition.

For if I have the manor of Dale and the manor of Sale lying both in Vale, and I make a lease for life of them both, the remainder of the manor of Dale, and all other my lands in Vale to John a Style, the remainder of the manor of Sale to John a Downe, this latter remainder is void, because it comes too late, the general words having carried it before to John a Style. But put it by way of use a man makes a feoffment in fee of both manors, and limits the use of the manor of Dale, and all the other lands in Vale to the use of himself, and his wife for her jointure, and of the manor of Sale to the use of himself alone. Now his wife shall have no jointure in the manor of Sale, and so was it judged in the case of the manor of Odiam.

The case of the manor of Odiam.

And therefore our case is more strong, being by way of use, and you may well construe the latter part to control and qualify the first, and to make it attend and expect; nay, it is not amiss to see the case of Peryman, 41 Eliz. Coke, p. 5, f. 84, where by a custom a livery may expect; for the case was, that in the manor of Porchester the custom was, that a feoffment of land should not be good, except it were presented within a year in the court of the manor, and there ruled that it was but *actus inchoatus*, till it was presented; now, if it be not merely against reason of law, that so solemn a conveyance as livery, which keeps state, I tell you, and will not wait, should expect a farther perfection, *a fortiori*, may a conveyance in use or declaration of use receive a consummation by degrees, and several acts. And thus much for the main point.

41 Eliz. Co. p. 5, f. 84.

Now, for the objection of the word immediate, it is but light and a kind of sophistry. They say that the words are, that the uses shall rise immediately after the declaration, and we would have an interposition of an act between, namely, that there should be a declaration first, then a new assurance within the six months; and, lastly, the uses to rise: whereunto the answer is easy; for we have showed before that the declaration and the new assurance are in the intent of him that made the conveyance, and likewise, in eye of law, but as one compounded act. So as immediately after the declaration must be understood of a perfect and effectual declaration, with the adjuncts and accouplements expressed.

So we see in 49 E. III. f. 11, if a man be attainted of felony, that holds lands of a common person, the king shall have his year, day, and waste; but when? Not before an office found; and yet the words of the statute of *prærogativa regis* are, *rex habebit catalla felonum, et si ipsi habent liberum tenementum, statim capiatur in manus domini, et rex habebit annum, diem et vastum*: and here the word *statim* is understood of the effectual and lawful time, that is, after office found.

49 E. 3, f. 11.

So in 2 H. IV. f. 17, it appears that by the statute of Acton Burnell, if the debt be acknowledged, and the day past that the goods of the debtors shall be sold *statim*, in French *maintenant*; yet, nevertheless, this *statim* shall not be understood before the process of law requisite passed, that is, the day comprised in the extent.

2 H. 4, f. 17.

So it is said 27 H. VIII. f. 19, by Audley the chancellor, that the present tense shall be taken for the future; *a fortiori*, say I, the immediate future tense may be taken for a distant future tense; as if I be bound that my son, being of the age of twenty-one years, shall marry your daughter, and that he be now of twelve years; yet this shall be understood, when he shall be of the age of twenty-one years. And so in our case immediately after the declaration is intended when all things shall be performed, that are coupled with the said declaration.

27 H. 8, f. 19.

But in this I doubt I labour too much; for no man will be of opinion, that it was intended that the Lady Stanhope should be six whole months without either the old jointure or the new; but that the old should expect until the new were settled without any interim. And so I conclude this course of atonements, as Fitzwilliams's case calls it, whereby I have proved, that all the words, by a true marshaling of the acts, may stand according to the intent of the parties.

I may add *tanquam ex abundanti*, that if both clauses do not live together, they must both die

together; for the law loves neither fractions of estates nor fractions of constructions; and therefore in Jermin and Askew's case, 37 Eliz., a man did devise lands in tail with proviso, that if the devisee did attempt to alien, his estate should cease, as if he were naturally dead. Is it said there that the words, as if he were naturally dead, shall be void, and the words, that his estate shall cease, good? No, but the whole clause shall be void. And it is all one reason of a so that, as of an as if, for they both suspend the sentence.

Jermin and Askew's case.

So if I make a lease for life, upon condition he shall not alien, nor take the profits, shall this be good for the first part, and void for the second? No, but it shall be void for both.

So if the power of declaration of uses had been thus penned, that Sir John Stanhope might by his deed indented declare new uses, so that the deed were enrolled before the mayor of St. Albans, who hath no power to take enrolments; or so that the deed were made in such sort, as might not be made void by Parliament: in all these and the like cases the impossibility of the last part doth strike upwards, and infect, and destroy the whole clause. And, therefore, that all the words may stand, is the first and true course; that all the words be void, is the second and probable; but that the revoking part should be good, and the assuring part void, hath neither truth nor probability.

Now come I to the second point, how this value should be measured, wherein, methinks, you are as ill a measurer of values as you are an expounder of words; which point I will divide, first considering what the law doth generally intend by the word value; and, secondly, to see what special words may be in these clauses, either to draw it to a value of a present arrentation, or to understand it of a just and true value.

The word value is a word well known to the law, and therefore cannot be, except it be willingly, misunderstood. By the common law there is upon a warranty a recovery in value. I put the case, therefore, that I make a feoffment in fee with warranty of the manor of Dale, being worth twenty pounds per annum, and then in lease for twenty shillings. The lease expires, for that is our case, though I hold it not needful, the question is, whether, upon an eviction, there shall not be recovered from me land to the value of twenty pounds.

So if a man give land in frank-marriage then rented at forty pounds and no more worth, there descendeth other lands, let perhaps for a year or two for twenty pounds, but worth eighty pounds, shall not the donee be at liberty to put this land in hotchpotch?

So if two parceners be in tail, and they make partition of lands equal in rent, but far unequal in value, shall this bind their issues? By no means; for there is no calendar so false to judge of values as the rent, being sometimes improved, sometimes ancient, sometimes where great fines have been taken, sometimes where no fines; so as in point of recompense you were as good put false weights into the hands of the law, as to bring in this interpretation of value by a present arrentation. But this is not worth the speaking to in general; that which giveth colour is the special words in the clause of revocation, that the twenty pounds' value should be according to the rents then answered; and, therefore, that there should be a correspondence in the computation likewise of the recompense. But this is so far from countenancing that exposition, as, well noted, it crosseth it; for *opposita juxta se posita magis elucescunt*: first, it may be the intent of Sir Thomas, in the first clause, was double, partly to exclude any land in demesne, partly knowing the land was double, and as some say quadruple, better than the rent, he would have the more scope of revocation under his twenty pounds' value.

But what is this to the clause of recompense? first, are there any words *secundum computationem prædictam*? There are none. Secondly, doth the clause rest upon the words *similis valoris*? No, but joineth *tantum et similis valoris*: confound not predicaments; for they are the mere-stones of reason. Here is both quantity and quality; nay, he saith farther, within the same towns. Why, marry, it is somewhat to have men's possessions lie about them, and not dispersed. So it must be as much, as good, as near; so plainly doth the intent appear, that my lady should not be a loser.

[For the point of the notice, it was discharged by the court.]

THE
JURISDICTION OF THE MARCHES.

The effect of the first argument of the king's solicitor-general, in maintaining the jurisdiction of the council of the marches over the four shires.

The question for the present is only upon the statute of 32 H. VIII., and though it be a great question, yet it is contracted into small room; for it is but a true construction of a monosyllable, the word march.

The exposition of all words resteth upon three proofs, the propriety of the word, and the matter precedent, and subsequent.

Matter precedent concerning the intent of those that speak the words, and matter subsequent touching the conceit and understanding of those that construe and receive them.

First, therefore, as to *vis termini*, the force and propriety of the word; this word marches signifieth no more but limits, or confines, or borders, in Latin *limites*, or *confinia*, or *contermina*; and thereof was derived at the first *marchio*, a marquis, which was *comes limitaneus*.

Now these limits cannot be *linea imaginaria*, but it must have some contents and dimension, and that can be no other but the counties adjacent; and for this construction we need not wander out of our own state, for we see the counties of Northumberland, Cumberland, and Westmoreland, lately the borders upon Scotland. Now the middle shires were commonly called the east, west, and middle marches.

To proceed, therefore, to the intention of those that made the statute, in the use of this word; I shall prove that the Parliament took it in this sense by three several arguments.

The first is, that otherwise the word should be idle; and it is a rule, *verba sunt accipienda, ut sortientur effectum:* for this word marches, as is confessed on the other side, must be either for the counties' marches, which is our sense, or the lordships' marchers, which is theirs; that is, such lordships, as by reason of the incursions and infestation of the Welsh, in ancient time, were not under the constant possession of either dominion, but like the bateable ground where the war played. Now if this latter sense be destroyed, then all equivocation ceaseth.

That it is destroyed appears manifestly, by the statute of 27 H. VIII., made seven years before the statute of which we dispute; for by that statute all the lordships' marchers are made shire ground, being either annexed to the ancient counties of Wales, or to the ancient counties of England, or erected into new counties, and made parcel of the dominion of Wales, and so no more marches after the statute of 27: so as there were no marches in that sense at the time of the making of the statute of 34.

The second argument is from the comparing of the place of the statute, whereupon our doubt riseth; namely, that there shall be and remain a lord president and council in the dominion of Wales and the marches of the same, &c. with another place of the same statute, where the word marches is left out; for the rule is, *opposita juxta se posita magis elucescunt.* There is a clause in the statute which gives power and authority to the king to make and alter laws for the weal of his subjects of his dominion of Wales; there the word marches is omitted, because it was not thought reasonable to invest the king with a power to alter the laws, which is the subjects' birthright, in any part of the realm of England; and, therefore, by the omission of the word marches in that place, you may manifestly collect the signification of the word in the other, that is to be meant of the four counties of England.

The third argument which we will use is this: the council of the marches was not erected by the act of Parliament, but confirmed; for there was a president and council long before in E. IV. his time, by matter yet appearing; and it is evident upon the statute itself, that in the very clause which we now handle it referreth twice to the usage, as heretofore hath been used.

This, then, I infer, that whatsoever was the king's intention in the first erection of this court, was, likewise, the intention of the Parliament in the establishing thereof, because the Parliament builded upon an old foundation.

The king's intention appeareth to have had three branches, whereof every of them doth manifestly comprehend the four shires.

The first was the better to bridle the subject of Wales, which at that time was not reclaimed: and therefore it was necessary for the president and council there to have jurisdiction and command over the English shires; because that by the aid of them, which were undoubted good sub-

jects, they might the better govern and suppress those that were doubtful subjects.

And if it be said, that it is true, that the four shires were comprehended in the commission of oyer and terminer, for the suppression of riots and misdemeanors, but not for the jurisdiction of a Court of Equity; to that I answer, that their commission of oyer and terminer was but *gladius in vagina*, for it was not put in practice amongst them; for even in punishment of riots and misdemeanors, they proceed not by their commission of oyer and terminer, by way of jury, but as a council, by way of examination. And again it was necessary to strengthen that court for their better countenance with both jurisdictions, as well civil as criminal, for *gladius gladium juvat.*

The second branch of the king's intention was to make a better equality of commerce and intercourse in contracts and dealings between the subjects of Wales and the subjects of England; and this of necessity must comprehend the four shires; for, otherwise, if the subject of England had been wronged by the Welsh on the side of Wales, he might take his remedy nearer hand. But if the subject of Wales, for whose weal and benefit the statute was chiefly made, had been wronged by the English in any of the shires, he might have sought his remedy at Westminster.

The third branch of the king's intent was to make a convenient dignity and state of the mansion and resiance of his eldest son, when he should be created Prince of Wales, which likewise must plainly include the four shires; for otherwise to have sent *primogenitum regis* to a government, which, without the mixture of the four shires, as things then were, had more pearl than honour or command; or to have granted him only a power of lieutenancy in those shires, where he was to keep his state, not adorned with some authority civil, had not been convenient.

So that here I conclude the second part of that I am to say touching the intention of the Parliament precedent.

Now, touching the construction subsequent, the rule is good, *optimus legum interpres consuetudo;* for our labour is not to maintain a usage against a statute, but by a usage to expound a statute; for no man will say but the word marches will bear the sense that we give it.

This usage or custom is fortified by four notable circumstances; first, that it is ancient, and not late or recent; secondly, it is authorized, and not popular or vulgar; thirdly, that it hath been admitted and quiet, and not litigious or interrupted; and, fourthly, when it was brought in question, which was but once, it hath been affirmed, *judicio controverso.*

For the first, there is record of a president and council, that hath exercised and practised jurisdiction in these shires, as well sixty years before the statute, namely, since 18 E. IV. as the like number of years since; so that it is *Janus bifrons,* it hath a face backward from the statute, as well as forwards.

For the second, it hath received these allowances by the practice of that court, by suits originally commenced there, by remanding from the courts of Westminster, when causes within those shires have been commenced here above; sometimes in chancery, sometimes in the Star Chamber, by the admittance of divers great learned men and great judges, that have been of that council, and exercised that jurisdiction; as at one time Bromley, Morgan, and Brooks, being the two chief justices, and chief baron, and divers others; by the king's learned council, which always were called to the penning of the king's instructions; and, lastly, by the king's instructions themselves, which, though they be not always extant, yet it is manifest that since 17 H. VIII., when Princess Mary went down, that the four shires were ever comprehended in the instructions, either by name, or by that that amounts to so much. So as it appears that this usage or practice hath not been an obscure custom, practised by the multitude, which is many times erroneous, but authorized by the judgment and consent of the state: for as it is *vera vox* to say, *maximus erroris populus magister;* so it is *dura vox* to say, *maximus erroris princeps magister.*

For the third, it was never brought in question till 16 Eliz. in the case of one Wynde.

And, for the fourth, the controversy being moved in that case, it was referred to Gerrard, attorney, and Bromley, solicitor, who was afterwards chancellor of England, and had his whole state of living in Shropshire and Worcester, and by them reported to the lords of the council in the Star Chamber, and upon their report decreed, and the jurisdiction affirmed.

Lastly, I will conclude with two manifest badges and tokens, though but external yet violent in demonstration, that these four shires were understood by the word marches; the one the denomination of that council, which was ever in common appellation termed and styled the council of the marches, or in the marches, rather than the council of Wales, or in Wales, and *a nominatio est a digniore.* If it had been intended of lordships' marches, it had been as if one should have called my lord mayor my lord mayor of the suburbs. But it was plainly intended of the four English shires, which indeed were the more worthy.

And the other is of the perpetual resiance and mansion of the council, which was evermore in the shires; and to imagine that a court should not have jurisdiction where it sitteth, is a thing utterly improbable, for they should be *tanquam piscis in arido.*

So as, upon the whole matter, I conclude that the word marches in that place, by the natural

sense, and true intent of the statute, is meant the four shires.

The effect of that that was spoken by Serjeant Hutton and Serjeant Harris, in answer of the former argument, and for the excluding of the jurisdiction of the marches in the four shires.

That which they both did deliver was reduced to three heads:

The first to prove the use of the word marches for lordships' marchers.

The second to prove the continuance of that use of the word, after the statute of 27, that made the lordships' marchers shire-grounds; whereupon it was inferred, that though the marches were destroyed in nature, yet they remained in name.

The third was some collections they made upon the statute of 34; whereby they inferred, that that statute intended that word in that signification.

For the first, they did allege divers statutes before 27 H. VIII., and divers book-cases of law in print, and divers offices and records, wherein the word marches of Wales was understood of the lordships' marchers.

They said farther, and concluded, that whereas we show our sense of the word but rare, they show theirs common and frequent; and whereas we show it but in a vulgar use and acceptation, they show theirs in a legal use in statutes, authorities of books, and ancient records.

They said farther, that the example we brought of marches upon Scotland was not like, but rather contrary; for they were never called marches of Scotland, but the marches of England; whereas, the statute of 34 doth not speak of the marches of England, but of the marches of Wales.

They said farther, that the county of Worcester did in no place or point touch upon Wales, and, therefore, that county could not be termed marches.

To the second they produced three proofs; first, some words in the statute of 32 H. VIII., where the statute, providing for a form of trial for treason committed in Wales, and the marches thereof, doth use that word, which was in time after the statute of 27; whereby they prove the use of the word continued.

The second proof was out of two places of the statute, whereupon we dispute, where the word marches is used for the lordships' marchers.

The third proof was the style and form of the commission of oyer and terminer even to this day, which run to give power and authority to the president and council there, *infra principalitat. Walliæ*, and *infra* the four counties by name, with this clause farther, *et marchias Walliæ eisdem comitatibus adjacent'*: whereby they infer two things strongly, the one that the marches of Wales must needs be a distinct thing from the four counties; the other that the word marches was used for the lordships' marchers long after both statutes.

They said farther, that otherwise the proceeding, which had been in the four new erected counties of Wales by the commission of oyer and terminer, by force whereof many had been proceeded with both for life and other ways, should be called in question, as *coram non judice*, insomuch as they neither were part of the principality of Wales, nor part of the four shires; and, therefore, must be contained by the word marches, or not at all.

For the third head, they did insist upon the statute of 34, and upon the preamble of the same statute.

The title being an act for certain ordinances in the king's majesty's dominion and principality of Wales; and the preamble being for the tender zeal and affection that the king bears to his subjects of Wales; and, again, at the humble suit and petition of his subjects of Wales; whereby they infer that the statute had no purpose to extend or intermeddle with any part of the king's dominions or subjects, but only within Wales.

And for usage and practice, they said, it was nothing against an act of Parliament.

And for the instructions, they pressed to see the instructions immediately after the statute made.

And for the certificate and opinions of Gerrard and Bromley, they said, they doubted not, but that if it were now referred to the attorney and solicitor, they would certify as they did.

And, lastly, they relied, as upon their principal strength, upon the precedent of that, which was done of the exempting of Cheshire from the late jurisdiction of the said council; for they said, that from 34 of H. VIII. until 11 of Queen Eliz. the court of the marches did usurp jurisdiction upon that county, being likewise adjacent to Wales, as the other four are; but that in the eleventh year of Queen Elizabeth aforesaid, the same, being questioned at the suit of one Radforde, was referred to the Lord Dyer, and three other judges, who, by their certificate at large remaining of record in the Chancery, did pronounce the said shire to be exempted, and that in the conclusion of their certificate they gave this reason, because it was no part of the principality or marches of Wales. By which reason, they say, it should appear their opinion was, that the word marches could not extend to counties adjacent. This was the substance of their defence.

The reply of the king's solicitor to the arguments of the two serjeants.

Having divided the substance of their arguments, *ut supra*, he did pursue the same division in his reply, observing, nevertheless, both a great redundancy and a great defect in that which was

spoken. For, touching the use of the word marches, great labour had been taken, which was not denied: but touching the intent of the Parliament, and the reasons to demonstrate the same, which were the life of the question, little or nothing had been spoken.

And, therefore, as to the first head, that the word marches had been often applied to the lordships' marchers, he said it was the sophism which is called *sciomachia*, fighting with their shadows; and that the sound of so many statutes, so many printed book-cases, so many records, were *nomina magna*, but they did not press the question; for we grant that the word marches had significations, sometimes for the counties, sometimes for the lordships' marchers, like as Northampton and Warwick are sometimes taken for the towns of Northampton and Warwick, and sometimes for the counties of Northampton and Warwick. And Dale and Sale are sometimes taken for the villages or hamlets of Dale and Sale, and sometimes taken for the parishes of Dale and Sale: and, therefore, that the most part of that they had said went not to the point.

To that answer, which was given to the example of the middle shires upon Scotland, it was said, it was not *ad idem;* for we used it to prove that the word marches may and doth refer to whole counties; and so much it doth manifestly prove; neither can they deny it. But, then, they pinch upon the addition, because the English counties adjacent upon Scotland are called the marches of England, and the English counties adjacent upon Wales are called the marches of Wales; which is but a difference in phrase; for sometimes limits and borders have their names of the inward country, and sometimes of the outward country; for the distinction of *exclusivè* and *inclusivè* is a distinction both in time and place; as we see that that which we call this day fortnight, excluding the day, the French and the law phrase calls this day fifteen days, or *quindena*, including the day. And if they had been called the marches upon Wales, or the marches against Wales, then it had been clear and plain; and what difference between the banks of the sea and the banks against the sea? So that he took this to be but a toy or cavillation, for that phrases of speech are *ad placitum, et recipiunt casum.*

As to the reason of the map, that the county of Worcester doth no way touch upon Wales, it is true; and I do find when the lordships' marchers were annexed, some were laid to every other of the three shires, but none to Worcester. And no doubt but this emboldened Wynde to make the claim to Worcester, which he durst not have thought on for any of the other three. But it falls out well that that which is the weakest in probability, is strongest in proof; for there is a case ruled in that more than in the rest. But the true reason is, that usage must overrule propriety of speech; and, therefore, if all commissions, and instructions, and practices, have coupled these four shires, it is not the map that will sever them.

To the second head he gave this answer. First, he observed in general that they had not showed one statute, or one book-case, or one record, the commissions of oyer and terminer only excepted, wherein the word marches was used for lordships' marchers since the statute of 34. So that it is evident, that as they granted the nature of those marches was destroyed and extinct by 27, so the name was discontinued soon after, and did but remain a very small while, like the sound of a bell after it hath been rung; and as indeed it is usual when names are altered, that the old name, which is expired, will continue for a small time.

Secondly, he said, that whereas they had made the comparison, that our acceptation of the word was popular, and theirs was legal, because it was extant in book-cases, and statutes, and records, they must needs confess that they are beaten from that hold; for the name ceased to be legal clearly by the law of 27, which made the alteration in the thing itself, whereof the name is but a shadow; and if the name did remain afterwards, then it was neither legal, nor so much as vulgar, but it was only by abuse, and by a trope or *catachresis.*

Thirdly, he showed the impossibility how that signification should continue, and be intended by the statute of 34. For if it did, it must be in one of these two senses, either that it was meant of the lordships' marchers made part of Wales, or of the lordships' marchers annexed to the four shires of England.

For the first of these, it is plainly impugned by the statute itself; for the first clause of the statute doth set forth that the principality and dominion of Wales shall consist of twelve shires: wherein the four new erected counties, which were formerly lordships' marchers, and whatsoever else was lordships' marchers annexed to the ancient counties of Wales, is comprehended; so that of necessity all that territory or border must be Wales; then followeth the clause immediately, whereupon we now differ, namely, that there shall be and remain a president and council in the principality of Wales, and the marches of the same; so that the Parliament could not forget so soon what they had said in the clause next before: and therefore by the marches, they meant somewhat else besides that which was Wales. Then, if they fly to the second signification, and say that it was meant by the lordships' marchers annexed to the four English shires, that device is merely *nuper nata oratio*, a mere fiction and invention of wit, crossed by the whole stream and current of practice; for, if that were so, the jurisdiction of the council should be over part of those shires, and in part not; and then in the suits commenced against any of the inhabitants of the four shires,

it ought to have been laid or showed that they dwelt within the ancient lordships' marchers, whereof there is no shadow that can be showed.

Then he proceeded to the three particulars. And for the statute of 32, for trial of treason, he said it was necessary that the word marches should be added to Wales, for which he gave this reason, that the statute did not only extend to the trial of treasons, which should be committed after the statute, but did also look back to treasons committed before: and, therefore, this statute being made but five years after the statute of 27, that extinguished the lordships' marchers, and looking back, as was said, was fit to be penned with words that might include the preterperfect tense as well as the present tense; for if it had rested only upon the word Wales, then a treason committed before the lordships' marchers were made part of Wales might have escaped the law.

To this also another answer was given, which was, that the word marches as used in that statute, could not be referred to the four shires, because of the words following, wherewith it is coupled, namely, in Wales, and the marches of the same, where the king's writ runs not.

To the two places of the statute of 31 itself, wherein the word marches is used for lordships' marchers; if they be diligently marked, it is merely sophistry to allege them; for both of them do speak by way of recital of the time past before the statute of 27, as the words themselves being read over will show without any other enforcement; so that this is still to use the almanac of the old year with the new.

To the commissions of oyer and terminer, which seemeth to be the best evidence they show for the continuance of the name in that tropical or abused sense, it might move somewhat, if this form of penning those commissions had been begun since the statute of 27. But we show forth the commission in 17 H. VIII., when the Princess Mary went down, running in the same manner *verbatim*, and in that time it was proper, and could not otherwise be. So that it appeareth that it was but merely a facsimile, and that notwithstanding the case was altered, yet the clerk of the crown pursued the former precedent; hurt, it did none, for the word marches is there superfluous.

And whereas it was said, that the words in those commissions were effectual, because else the proceeding in the four new erected shires of Wales should be *coram non judice*, that objection carrieth no colour at all; for it is plain, they have authority by the word principality of Wales, without adding the word marches; and that is proved by a number of places in the statute of 34, where, if the word Wales should not comprehend those shires, they should be excluded in effect of the whole benefit of that statute; for the word marches is never added in any of these places.

To the third head touching the true intent of the statute, he first noted how naked their proof was in that kind, which was the life of the question, for all the rest was but *in litera et in cortice*.

He observed also that all the strength of our proof, that concerned that point, they had passed over in silence, as belike not able to answer: for they had said nothing to the first intentions of the erections of the court, whereupon the Parliament built: nothing to the diversity of penning, which was observed in the statute of 31, leaving out the word marches, and resting upon the word Wales alone: nothing to the resiance, nothing to the denomination, nothing to the continual practice before the statute and after, nothing to the king's instructions, &c.

As for that, that they gather out of the title and preamble, that the statute was made for Wales, and for the weal and government of Wales, and at the petition of the subjects of Wales, it was little to the purpose; for no man will affirm on our part the four English shires were brought under the jurisdiction of that council, either first by the king, or after by the Parliament, for their own sakes, being in parts no farther remote; but it was for congruity's sake, and for the good of Wales, that that commixture was requisite: and *turpis est pars, quæ non congruit cum toto.* And therefore there was no reason that the statute should be made at their petition, considering they were not *primi in intentione*, but came *ex consequenti.*

And whereas they say that usage is nothing against an act of Parliament, it seems they do voluntarily mistake, when they cannot answer; for we do not bring usage to cross an act of Parliament, where it is clear, but to expound an act of Parliament, where it is doubtful, and evermore *contemporanea interpretatio*, whether it be of statute or Scripture, or author whatsoever, is of greatest credit: for to come now, above sixty years after, by subtilty of wit to expound a statute otherwise than the ages immediately succeeding did conceive it, is *expositio contentiosa*, and not *naturalis.* And whereas they extenuate the opinion of the attorney and solicitor, it is not so easy to do; for, first, they were famous men; and one of them had his patrimony in the shires; secondly, it was of such weight as a decree of the council was grounded upon it; and, thirdly, it was not unlike, but that they had conferred with the judges, as the attorney and solicitor do often use in like cases.

Lastly, for the exemption of Cheshire he gave this answer. First, that the certificate in the whole body of it, till within three or four of the last lines, doth rely wholly upon that reason, because it was a county palatine: and to speak truth, it stood not with any great sense or proportion, that that place which was privileged and

exempted from the jurisdiction of the courts of Westminster, should be meant by the Parliament to be subjected to the jurisdiction of that council.

Secondly, he said that these reasons, which we do much insist upon for the four shires, hold not for Cheshire, for we say it is fit the subject of Wales be not forced to sue at Westminster, but have his justice near hand; so may he have in Cheshire, because there is both a justice for common law and a chancery; we say it is convenient for the prince, if it please the king to send him down, to have some jurisdiction civil as well as for the peace; so may he have in Cheshire, as Earl of Chester. And therefore those grave men had great reason to conceive that the Parliament did not intend to include Cheshire.

And whereas they pinch upon the last words in the certificate, namely, that Cheshire was no part of the dominion, nor of the marches, they must supply it with this sense, not within the meaning of the statute; for otherwise the judges could not have discerned of it; for they were not to try the fact, but to expound the statute; and that they did upon those reasons, which were special to Cheshire, and have no affinity with the four shires.

And, therefore, if it be well weighed, that certificate makes against them; for as *exceptio firmat elgem in casibus non exceptis*, so the excepting of that shire by itself doth fortify, that the rest of the shires were included in the very point of difference.

After this he showed a statute in 18 Eliz. by which provision is made for the repair of a bridge called Chepstowbridge, between Monmouth and Gloucester, and the charge lay in part upon Gloucestershire; in which statute there is a clause, that if the justices of peace do not their duty in levying of the money, they shall forfeit five pounds to be recovered by information before the council of the marches; whereby he inferred that the Parliament would never have assigned the suit to that court, but that it conceived Gloucestershire to be within the jurisdiction thereof. And therefore he concluded that here is in the nature of a judgment by Parliament, that the shires are within the jurisdiction.

The third and last argument of the king's solicitor in the case of the marches, in reply to Serjeant Harris.

This case groweth now to some ripeness, and I am glad we have put the other side into the right way; for in former arguments they laboured little upon the intent of the statute of 34 H. VIII., and busied themselves in effect altogether about the force and use of the word marches; but now finding that *litera mortua non prodest*, they offer at the true state of the question, which is the intent: I am determined, therefore, to reply to them in their own order, *ut manifestum sit*, as he saith, *me nihil aut subterfugere voluisse reticendo, aut obscurare dicendo.*

All which hath been spoken on their part consisteth upon three proofs.

The first was by certain inferences to prove the intent of the statute.

The second was to prove the use of the word marches in their sense long after both statutes; both that of 27, which extinguished the lordships' marchers, and that of 34, whereupon our question ariseth.

The third was to prove an interruption of that practice and use of jurisdiction, upon which we mainly insist, as the best exposition of the statute.

For the first of these, concerning the intention, they brought five reasons.

The first was that this statute of 34 was grounded upon a platform, or preparative of certain ordinances made by the king two years before, namely, 32; in which ordinances there is the very clause, whereupon we dispute, namely, That there should be and remain in the dominion and principality of Wales a president and a council: in which clause, nevertheless, the word marches is left out, whereby they collect that it came into the statute of 34 but as a slip, without any farther reach or meaning.

The second was, that the mischief before the statute, which the statute means to remedy, was, that Wales was not governed according to similitude or conformity with the laws of England. And, therefore, that it was a cross and perverse construction, when the statute laboured to draw Wales to the laws of England, to construe it, that it should abridge the ancient subjects of England of their own laws.

The third was, that in a case of so great importance it is not like that if the statute had meant to include the four shires, it would have carried it in a dark general word, as it were *noctanter*, but would have named the shires to be comprehended.

The fourth was, the more to fortify the third reason, they observed that the four shires are remembered and named in several places of the statute, three in number; and therefore it is not like that they would have been forgotten in the principal place, if they had been meant.

The fifth and last was, that there is no clause of attendance, that the sheriffs of the four shires should attend the lord president and the council; wherein there was urged the example of the acts of Parliament, which erected courts; as the court of augmentations, the court of wards, the court of survey; in all which there are clauses of attendance; whereupon they inferred that evermore, where a statute gives a court jurisdiction, it strengtheneth it with a clause of attendance; and therefore no such clause being in this statute, it is like there was no jurisdiction meant. Nay, farther they noted, that in this very statute for the justices of Wales there is a clause of attendance from the sheriffs of Wales.

In answer to their first reason, they do very well, in my opinion, to consider Mr. Attorney's business and mine, and therefore to find out for us evidence and proofs, which we have no time to search; for certainly nothing can make more for us than these ordinances, which they produce; for the diversity of penning of that clause in the ordinances, where the word marches is omitted, and that clause in the statute where the word marches is added, is a clear and perfect direction what was meant by that word. The ordinances were made by force and in pursuance of authority given to the king by the statute of 27; to what did the statute extend? Only to Wales. And, therefore, the word marches in the ordinances is left out; but the statute of 34 respected not only Wales, but the commixed government, and, therefore, the word marches was put in. They might have remembered that we built an argument upon the difference of penning of that statute of 34 itself in the several clauses of the same; for that in all other clauses, which concern only Wales, the word marches is ever omitted; and in that clause alone that concerneth the jurisdiction of the president and council, it is inserted. And this our argument is notably fortified by that they now show of the ordinances, wherein the very selfsame clause touching the president and council, because the king had no authority to meddle but with Wales, the word marches is omitted. So that it is most plain that this word comes not in by chance or slip, but with judgment and purpose, as an effectual word; for, as it was formerly said, *opposita juxta se posita magis elucescunt*; and, therefore, I may likewise urge another place in the statute which is left out in the ordinance; for I find there is a clause that the town of Bewdley, which is confessed to be no lordships' marcher, but to lie within the county of Worcester; yet because it was an exempted jurisdiction, is by the statute annexed unto the body of the said county. First, this shows that the statute of 34 is not confined to Wales, and the lordships' marchers, but that it intermeddles with Worcestershire. Next, do you find any such clause in the ordinance of 32? No. Why? Because they were appropriated to Wales. So that, in my opinion, nothing could enforce our exposition better than the collating of the ordinance of 32 with the statute of 34.

In answer to the second reason, the course that I see often taken in this cause makes me think of the phrase of the psalm, "starting aside like a broken bow:" so, when they find their reasons broken, they start aside to things not in question. For now they speak, as if he went about to make the four shires Wales, or to take from them the benefit of the laws of England, or their being accounted amongst the ancient counties of England: doth any man say that those shires are not within the circuits of England, but subject to the justices of Wales? or that they should send but one knight to the Parliament, as the shires of Wales do? or that they may not sue at Westminster, in chancery, or at common law, or the like? No man affirms any such things; we take nothing from them, only we give them a court of summary justice in certain causes at their own doors.

And this is *nova doctrina* to make such an opposition between law and equity, and between formal justice and summary justice. For there is no law under heaven which is not supplied with equity; for *summum jus, summa injuria*, or, as some have it, *summa lex, summa crux*. And therefore all nations have equity; but some have law and equity mixed in the same court, which is the worse; and some have it distinguished in several courts, which is the better. Look into any counties palatine, which are small models of the great government of kingdoms, and you shall never find any but had a chancery.

Lastly, it is strange that all other places do require courts of summary justice, and esteem them to be privileges and graces; and in this cause only they are thought to be servitudes and loss of birthright. The universities have a court of summary justice, and yet I never heard that scholars complain their birthright was taken from them. The stannaries have them, and you have lately affirmed the jurisdiction; and yet you have taken away no man's birthright. The court at York, whosoever looks into it, was erected at the petition of the people, and yet the people did not mean to cast away their birthright. The court of wards is mixed with discretion and equity; and yet I never heard that infants and innocents were deprived of their birthright. London, which is the seat of the kingdom, hath a court of equity, and holdeth it for a grace and favour: how then cometh this case to be singular? And therefore these be new phrases and conceits, proceeding of error or worse; and it makes me think that a few do make their own desires the desires of the country, and that this court is desired by the greater number, though not by the greater stomachs.

In answer to the third reason, if men be conversant in the statutes of this kingdom, it will appear to be no new thing to carry great matters in general words without other particular expressing. Consider but of the statute of 26 H. VIII. which hath carried estates tails under the general words of estates of inheritance. Consider of the statute of 16 R. II. of *præmunire*, and see what great matters are thought to be carried under the word *alibi*. And, therefore, it is an ignorant assertion to say that the statute would have named the shires, if it had meant them.

Secondly, the statute had more reason to pass it over in general words, because it did not ordain a new matter, but referreth to usage; and though the statute speaks generally, yet usage speaks plainly and particularly, which is the strongest

kind of utterance or expressing. *Quid verba audiam cum facta videam.*

And, thirdly, this argument of theirs may be strongly retorted against them, for as they infer that the shires were not meant, because they were not included by name, so we infer that they are meant, because they are not excepted by name, as is usual by way of proviso in like cases: and our inference hath far greater reason than theirs, because at the time of the making of the statute they were known to be under the jurisdiction; and, therefore, that ought to be most plainly expressed, which should work a change, and not that which should continue things as they were.

In answer to their fourth reason, it makes likewise plainly against them; for there be three places where the shires be named, the one for the extinguishing of the custom of gavelkind; the second for the abolishing of certain forms of assurance which were too light to carry inheritance and freehold; the third for the restraining of certain franchises to that state they were in by a former statute. In these three places the words of the statute are, The lordships' marchers annexed unto the counties of Hereford, Salop, &c.

Now mark, if the statute conceived the word marches to signify lordships' marchers, what needeth this long circumlocution? It had been easier to have said, within the marches. But because it was conceived that the word marches would have comprehended the whole counties, and the statute meant but of the lordships' marchers annexed; therefore they were enforced to use that periphrasis or length of speech.

In answer to the fifth reason I give two several answers; the one, that the clause of attendance is supplied by the word incidents; for the clause of establishment of the court hath that word, "with all incidents to the same as heretofore hath been used:" for execution is ever incident to justice or jurisdiction. The other because it is a court, that standeth not by the act of Parliament alone, but by the king's instructions, whereto the act refers. Now, no man will doubt but the king may supply the clause of attendance; for if the king grant forth a commission of oyer and terminer, he may command what sheriff he will to attend it; and therefore there is a plain diversity between this case and the cases they vouch of the court of wards, survey, and augmentations: for they were courts erected *de novo* by Parliament, and had no manner of reference either to usage or instructions; and therefore it was necessary that the whole frame of those courts, and their authority both for judicature and execution, should be described and expressed by Parliament. So was it of the authority of the justices of Wales in the statute of 34 mentioned, because there are many ordinances *de novo* concerning them; so that it was a new erection, and not a confirmation of them.

Thus have I, in confutation of their reasons, greatly, as I conceive, confirmed our own, as it were, with new matter; for most of that they have said made for us. But as I am willing to clear your judgments, in taking away the objections, so I must farther pray in aid of your memory for those things which we have said, whereunto they have offered no manner of answer; for unto all our proofs which we made touching the intent of the statute, which they grant to be the spirit and life of this question, they said nothing: as not a word to this; That otherwise the word marches in the statute should be idle or superfluous: not a word to this; That the statute doth always omit the word marches in things that concern only Wales: not a word to this; That the statute did not mean to innovate, but to ratify, and therefore if the shires were in before, they are in still: not a word to the reason of the commixed government, as that it was necessary for the reclaiming of Wales to have them conjoined with the shires; that it was necessary for commerce and contracts, and properly for the ease of the subjects of Wales against the inhabitants of the shires; that it was not probable that the Parliament meant the prince should have no jurisdiction civil in that place, where he kept his house. To all these things, which we esteem the weightiest, there is *altum silentium*, after the manner of children that skip over where they cannot spell.

Now, to pass from the intent to the word; first, I will examine the proof they have brought that the word was used in their sense after the statute 27 and 34; then I will consider what is gained, if they should prove so much: and, lastly, I will briefly state our own proofs, touching the use of the word.

For the first, it hath been said, that whereas I called the use of the word marches, after the statute of 27, but a little chime at most of an old word, which soon after vanished, they will now ring us a peal of statutes to prove it; but if it be a peal, I am sure it is a peal of bells, and not a peal of shot: for it clatters, but it doth not strike: for of all the catalogue of statutes I find scarcely one, save those that were answered in my former argument; but we may with as good reason affirm in every of them the word marches to be meant of the counties' marches, as they can of the lordships' marchers: for to begin upwards:

The statute 39 Eliz. for the repair of Wilton Bridge, no doubt doth mean the word marches for the counties; for the bridge itself is in Herefordshire, and the statute imposeth the charge of reparation upon Herefordshire by compulsory means, and permitteth benevolence to be taken in Wales, and the marches; who doubts, but this meant of the other three shires, which have far greater use of the bridge than the remote counties of Wales?

For the statute 5 Eliz., concerning perjury, it hath a proviso, that it shall not be prejudicial to

the council of the marches for punishing of perjury; who can doubt but that here marches is meant of the shires, considering the perjuries committed in them have been punished in that court as well as in Wales?

For 2 E. VI. and the clause therein for restraining tithes of marriage portions in Wales and the marches, why should it not be meant of counties? For if any such customs had crept and encroached into the body of the shires out of the lordships' marchers, no doubt the statute meant to restrain them as well there as in the other places.

And so for the statute of 32 H. VIII. which ordains that the benefit of that statute for distress to be had by executors, should not extend to any lordship in Wales, or the marches of the same where *mises* are paid, because that imports a general release; what absurdity is there, if there the marches be meant for the whole shires? for if any such custom had spread so far, the reason of the statute is alike.

As for the statutes of 37 H. VIII. and 4 E. IV. for the making and appointing of the *custos rotulorum*, there the word marches must needs be taken for limits, according to the etymology and derivation; for the words refer not to Wales, but are thus, within England and Wales, and other the king's dominions, marches, and territories, that is, limits and territories; so as I see no reason but I may truly maintain my former assertion, that after the lordships' marchers were extinct by the statute of 27, the name also of marches was discontinued, and rarely if ever used in that sense.

But if it should be granted that it was now and then used in that sense, it helps them little; for first it is clear that the legal use of it is gone, when the thing was extinct, for *nomen est rei nomen*; so it remains but *abusivè*, as if one should call Guletta Carthage, because it was once Carthage; and, next, if the word should have both senses, and that we admit an equivocation, yet we so overweigh them upon the intent, as the balance is soon cast.

Yet one thing I will note more, and that is, that there is a certain confusion of tongues on the other side, and that they cannot well tell themselves what they would have to be meant by the word marches; for one while they say it is meant for the lordships' marchers generally, another while they say that it is meant for the inward marches on Wales's side only; and now at last they are driven to a poor shift, that there should be left some little lordship marcher in the dark, as *casus omissus*, not annexed at all to any county; but if they would have the statute satisfied upon that only, I say no more to them, but *aquila non capit muscas*.

Now I will briefly remember unto you the state of our proofs of the word.

First, according to the laws of speech we prove it by the etymology or derivation, because march is the Saxon word for limit, and *marchio* is *comes limitaneus*; this is the opinion of Camden and others.

Next, we prove the use of the word in the like case to be for counties, by the example of the marches of Scotland: for as it is prettily said in Walker's case by Gawdy, if a case have no cousin, it is a sign it is a bastard, and not legitimate; therefore, we have showed you a cousin, or rather a brother, here within our own island, of the like use of the word. And whereas a great matter was made that the now middle shires were never called the marches of Scotland, but the marches of England against Scotland, or upon Scotland, it was first answered that that made no difference; because sometimes the marches take their name of the inward country, and sometimes of the out country; so that it is but *inclusivè* and *exclusivè*: as for example, that which we call in vulgar speech this day fortnight, excluding the day, that the law calls *quindena*, including the day; and so, likewise, who will make a difference between the banks of the sea, and the banks against the sea, or upon the sea? But now, to remove all scruple, we show them Littleton in his chapter Of Grand Serjeantry, where he saith, there is a tenure by cornage in the marches of Scotland; and we show them likewise the statute of 25 E. III., Of Labourers, where they are also called the marches of Scotland.

Then we show some number of bills exhibited to the council there before the statute, where the plaintiffs have the addition of place confessed within the bodies of the shires, and no lordships' marchers, and yet are laid to be in the marches.

Then we show divers accounts of auditors in the duchy from H. IV. downwards, where the endorsement is in *marchiis Walliæ*, and the contents are possessions only of Hereford and Gloucestershire, (for in Shropshire and Worcestershire the duchy hath no lands;) and whereas, they would put it off with a *cuique in sua arte credendum*, they would believe them, if it were in matter of accounts; we do not allege them as auditors, but as those that speak English to prove the common use of the word, *loquendum ut vulgus*.

We show, likewise, an ancient record of a patent to Herbert, in 15 E. IV., where Kilpeck is laid to be in *com.* Hereford in *marchiis Walliæ*; and, lastly, we show again the statute of 27 E. III.; where provision is made that men shall labour in the summer where they dwell in the winter; and there is an exception of the people of the counties of Stafford and Lancashire, &c., and of the marches of Wales and Scotland; where it is most plain that the marches of Wales are meant for counties, because they are coupled both with Stafford and Lancashire, which are counties, and with the marches of Scotland, which are likewise counties; and, as it is inform-

ed, the labourers of those four shires do come forth of their shires, and are known by the name of Cokers to this day.

To this we add two things which are worthy consideration; the one, that there is no reason to put us to the proof of the use of this word marches sixty years ago, considering that usage speaks for us; the other, that there ought not to be required of us to show so frequent a use of the word marches of ancient time in our sense, as they showed in theirs, because there was not the like occasion: for, when a lordship marcher was mentioned, it was of necessity to lay it in the marches, because they were out of all counties; but when land is mentioned in any of these counties, it is superfluous to add, in the marches; so as there was no occasion to use the word marches, but either for a more brief and compendious speech to avoid the naming of the four shires, as it is in the statute of 25 E. III., and in the endorsement of accounts; or to give a court cognisance and jurisdiction, as in the bills of complaint; or, *ex abundanti*, as in the record of Kilpeck.

There resteth the third main part, whereby they endeavour to weaken and extenuate the proofs which we offer touching practice and possession, wherein they allege five things.

First, that Bristol was in until 7 Eliz., and then exempted.

Secondly, that Cheshire was in until 11 Eliz., and then went out.

Thirdly, they allege certain words in the instructions to Cholmley, vice-president, in 11 Eliz., at which time the shires were first comprehended in the instructions by name, and in these words, annexed by our commission: whereupon they would infer that they were not brought in the statute, but only came in by instructions, and do imagine that when Cheshire went out they came in.

Fourthly, they say that the intermeddling with those four shires before the statute, was but a usurpation and toleration, rather than any lawful and settled jurisdiction; and it was compared to that, which is done by the judges in their circuits, who end many causes upon petitions.

Fifthly, they allege Sir John Mullen's case, where it is said *consuetudo non præjudicat veritati.*

There was moved, also, though it were not by the council, but from the judges themselves, as an extenuation, or at least an obscuring of the proofs of the usage and practice, in that we show forth no instructions from 17 H. VIII. to 1 Mariæ.

To these six points I will give answer, and, as I conceive, with satisfaction.

For Bristol, I say it teacheth them the right way, if they can follow it; for Bristol was not exempt by any opinion of law, but was left out of the instructions upon supplication made to the queen.

For Cheshire, we have answered it before, that the reason was, because it was not probable that the statute meant to make that shire subject to the jurisdiction of that council, considering it was not subject to the high courts at Westminster, in regard it was a county palatine. And, whereas they said, that so was Flintshire too, it matcheth not, because Flintshire is named in the statute for one of the twelve shires of Wales.

We showed you likewise effectual differences between Cheshire and these other shires; for that Cheshire hath a chancery in itself, and over Cheshire the princes claim jurisdiction, as Earl of Chester; to all which you reply nothing.

Therefore, I will add this only, that Cheshire went out *secundo flumine*, with the good will of the state; and this sought to be evicted *adverso flumine*, cross the state; and as they have opinion of four judges for the excluding of Cheshire, so we have the opinion of two great learned men, Gerrard and Bromley, for the including of Worcester; whose opinions, considering it was but matter of opinion, and came not judicially in question, are not inferior to any two of the other; but we say that there is no opposition or repugnancy between them, but both may stand.

For Cholmley's instructions, the words may well stand, that those shires are annexed by commission; for the king's commission or instructions, for those words are commonly confounded, must co-operate with the statute, or else they cannot be annexed. But for that conceit that they should come in but in 11, when Cheshire went out, no man that is in his wits can be of that opinion, if he mark it: for we see that the town of Glocester, &c., is named in the instructions of 1 Mar., and no man, I am sure, will think that Glocester town should be in, and Glocestershire out.

For the conceit, that they had it but *jurisdictionem precariam*, the precedents show plainly the contrary; for they had coercion, and they did fine and imprison, which the judges do not upon petitions; and, besides, they must remember that many of our precedents, which we did show forth, were not of suits originally commenced there, but of suits remanded from hence out of the king's courts as to their proper jurisdiction.

For Sir John Mullen's case, the rule is plain and sound, that where the law appears contrary, usage cannot control law; which doth not at all infringe the rule of *optima legum interpres consuetudo;* for usage may expound law, though it cannot overrule law.

But of the other side I could show you many cases, where statutes have been expounded directly against their express letter to uphold precedents and usage, as 2 and 3 Phil. et Mar. upon the statute of Westminster, that ordained that the judges *coram quibus formatum erit appellum* shall inquire of the damages, and yet the law ruled that

it shall be inquired before the judges of Nisi Prius. And the great reverence given to precedents appeareth in 39 H. VI. 3 E. IV. and a number of other books; and the difference is exceedingly well taken in Slade's case, Coke's Reports, 4, that is, where the usage runs but amongst clerks, and where it is in the eye and notice of the judge; for there it shall be presumed, saith the book, that if the law were otherwise than the usage hath gone, that either the council or the parties would have excepted to it, or the judges *ex officio* would have discerned of it, and found it; and we have ready for you a calendar of judges more than sit at this table, that have exercised jurisdiction over the shires in that county.

As for exception, touching the want of certain instructions, I could wish we had them; but the want of them, in my understanding, obscureth the case little. For, let me observe unto you, that we have three forms of instructions concerning these shires extant; the first names them not expressly, but by reference it doth, namely, that they shall hear and determine, &c. within any of the places or counties within any of their commissions; and we have one of the commissions, wherein they were named; so as upon the matter they are named. And of this form are the ancient instructions before the statute of 17 H. VIII., when the Princess Mary went down.

The second form of instructions go farther, for they have the towns, and exempted places within the counties named, with *tanquam* as well within the city of Glocester, the liberties of the duchy of Lancaster, &c., as within any of the counties of any of their commissions; which clearly admits the counties to be in before. And of this form are the instructions 1 Mariæ, and so long until 11 Eliz.

And the third form, which hath been continued ever since, hath the shires comprehended by name. Now, it is not to be thought, but the instructions which are wanting, are according to one of these three forms which are extant. Take even your choice, for any of them will serve to prove that the practice there was ever authorized by the instructions here. And so upon the whole matter, I pray report to be made to his majesty, that the president and the council hath jurisdiction, according to his instructions, over the four shires, by the true construction of the statute of 34 H. VIII.

THE

LEARNED READING OF MR. FRANCIS BACON,

ONE OF HER MAJESTY'S COUNSEL AT LAW,

UPON

THE STATUTE OF USES.

BEING HIS DOUBLE READING TO THE HONOURABLE SOCIETY OF GRAY'S INN. 42 ELIZ.

The [...]tion.

I HAVE chosen to read upon the Statute of Uses, made 27 H. VIII. ch. 10, a law whereupon the inheritances of this realm are tossed at this day, like a ship upon the sea, in such sort, that it is hard to say which bark will sink, and which will get to the haven; that is to say, what assurances will stand good, and what will not. Neither is this any lack or default in the pilots, the grave and learned judges; but the tides and currents of received error, and unwarranted and abusive experience have been so strong, as they were not able to keep a right course according to the law, so as this statute is in great part as a law made in the Parliament, held 35 Reginæ; for, in 37 Reginæ, by the notable judgment given upon solemn arguments o all the judges assembled in the Exchequer Chamber, in the famous case between Dillon and Freine, concerning an assurance made by Chudleigh, this law began to be reduced to a true and sound exposition, and the false and perverted exposition, which had continued for so many years, but never countenanced by any rule or authority of weight, but only entertained in a popular conceit, and put in practice at adventure, grew to be controlled; since which time (as it cometh to pass always upon the first reforming of inveterate errors) many doubts and perplexed questions have risen, which are not yet resolved, nor the law thereupon settled: the consideration whereof moved me to take the occasion of per-

Reason of writing this treatise.

Chudleigh's case, 1 Rep. 121. Poph. 71. 1 And. 314.

forming this particular duty to the House, to see if I could, by my travel, bring the exposition thereof to a more general good of the commonwealth.

Herein, though I could not be ignorant either of the difficulty of the matter, which he that taketh in hand shall soon find, or much less of my own unableness, which I had continual sense and feeling of; yet, because I had more means of absolution than the younger sort, and more leisure than the greater sort, I did think it not impossible to work some profitable effect; the rather because where an inferior wit is bent and constant upon one subject, he shall many times, with patience and meditation, dissolve and undo many of the knots, which a greater wit, distracted with many matters, would rather cut in two than unknit: and, at the least, if my invention or judgment be too barren or too weak, yet, by the benefit of other arts, I did hope to dispose or digest the authorities and opinions which are in cases of uses in such order and method, as they should take light one from another, though they took no light from me. And like to the matter of my reading shall my manner be, for my meaning is to revive and recontinue the ancient form of reading, which you may see in Mr. Frowicke's upon the prerogative, and all other readings of ancient time, being of less ostentation, and more fruit than the manner lately accustomed: for the use then was, substantially to expound the statutes by grounds and diversities; as you shall find the readings still to run upon cases of like law and contrary law; whereof the one includes the learning of a ground, the other the learning of a difference; and not to stir conceits and subtle doubts, or to contrive a multitude of tedious and intricate cases, whereof all, saving one, are buried, and the greater part of that one case which is taken, is commonly nothing to the matter in hand; but my labour shall be in the ancient course, to open the law upon doubts, and not to open doubts upon the law.

EXPOSITIO STATUTI.

The order of it.

THE exposition of this statute consists upon matter without the statute, and matter within the statute.

3 Rep 7. Heydon's case.

There be three things concerning this statute, and all other statutes, which are helps and inducements to the right understanding of any statute, and yet are no part of the statute itself.

1. The consideration of the case at the common law.
2. The consideration of the mischief which the statute intendeth to redress, as also any other mischief, which an exposition of the statute this way or that way may breed.
3. Certain maxims of the common law, touching exposition of statutes.

Having therefore framed six divisions, according to the number of readings upon the statute itself, I have likewise divided the matter without the statute into six introductions or discourses, so that for every day's reading I have made a triple provision.

1. A preface or introduction.
2. A division upon the law itself.
3. A few brief cases for exercise and argument.

The last of which I would have forborne; and, according to the ancient manner, you should have taken some of my points upon my divisions, one, two, or more, as you should have thought good; save that I had this regard, that the younger sort of the bar were not so conversant in matters upon the statutes; and for that cause I have interlaced some matters at the common law, that are more familiar within the books.

1. The first matter I will discourse unto you is the nature and definition of a use, and its inception and progression before the statute.
2. The second discourse shall be of the second spring of this tree of uses since the statute.
3. The third discourse shall be of the estate of the assurances of this realm at this day upon uses, and what kind of them is convenient and reasonable, and not fit to be touched, as far as the sense of law and a natural construction of the statute will give leave; and what kind of them is inconvenient and meet to be suppressed.
4. The fourth discourse shall be of certain rules and expositions of laws applied to this present purpose.
5. The fifth discourse shall be of the best course to remedy the same inconveniences now afoot, by construction of the statute, without offering either violence to the letter or sense.
6. The sixth and last discourse shall be of the course to remedy the same inconveniences, and to declare the law by act of Parliament; which last I think good to reserve, and not to publish.

Of the nature of uses before the statute.

The nature of a use is best discerned by considering, first, what it is not, and then what it is; for it is the nature of all human science and knowledge to proceed most safely, by negative and exclusion, to what is affirmative and inclusive.

First, negatively what it is not. 1 Rep 121 Chudleigh's case.

First, a use is no right, title, or interest in law; and, therefore, Master Attorney Coke, who read upon this statute, said well, that there are but two rights.

Jus in re: Jus ad rem.

The one is an estate, which is *Jus in re:* the other a demand, which is *Jus ad rem:* but a use is neither: so that in 24 H. VIII. it is said that the saving of the statute of 1 R. III. which saveth any right or interest of entails, must be understood of entails of the pos-

Bro. Feoffm. to uses, pl. 40.

session, and not of the part of the use, because a use is no right nor interest. So, again, you see that Littleton's conceit, that a use should amount to a tenancy at will, whereupon a release might well inure, because of privity, is controlled by 4 and 15 H. VII., and divers other books, which say that *cestuy que use* is punishable in an action of trespass towards the feoffees; only 5 H. V. seemeth to be at some discord with other books, where it is admitted for law, that if there be *cestuy que use* of an advowson, and he be outlawed in a personal action, the king should have the presentment; which case Master Ewens, in the argument of Chudleigh's case, did seek to reconcile thus: where *cestuy que use*, being outlawed, had presented in his own name, there the king should remove his incumbent: but no such thing can be collected upon the book: and, therefore, I conceive the error grew upon this, that because it was generally thought, that a use was but a pernancy of profits; and then, again, because the law is, that, upon outlaw in a personal action, the king shall have the pernancy of the profits, they took that to be one and the selfsame thing *cestuy que use* had, and which the king was entitled unto; which was not so; for the king had remedy in law for his pernancy of the profits, but *cestuy que use* had none. The books go further, and say, that a use is nothing, as in 2 H. VII. *det* was brought and counted *sur leas* for years rendering rent, &c. The defendant pleaded in bar, that the plaintiff *nihil habuit tempore dimissionis:* the plaintiff made a special replication, and showed that he had a use, and issue joined upon that; wherefore it appeareth, that if he had taken issue upon the defendant's plea, it should have been found against him. So again in 4 Reginæ, in the case of the Lord Sandys, the truth of the cause was, a fine was levied by *cestuy que use* before the statute, and this coming in question since the statute upon an averment by the plaintiff *quod partes finis nihil habuerunt*, it is said that the defendant may show the special matter of the use, and it shall be no departure from the first pleading of the fine; and it is said farther, that the form of averment given in 4 H. VII. *quod partes finis nihil habuerunt, nec in possessione, nec in usu*, was ousted by this statute of 22 H. VIII. and was no more now to be accepted; but yet it appears, that if issue had been taken upon the general averment, without the special matter showed, it should have been found for him that took the averment, because a use is nothing. But these books are not to be taken generally or grossly; for we see in the same books, that when a use is specially alleged, the law taketh knowledge of it; but the sense of it is, that a use is nothing for which remedy is given by the course of the common law, so as the law knoweth it, but protects it not; and, therefore, when the question cometh, whether it hath any being in nature or in conscience, the law accepteth of it; and therefore Littleton's case is good law, that he that had but forty shillings freehold in use, shall be sworn of an inquest, for that is ruled *secundum dominium naturale*, and not *secundum dominium legitimum, nam natura dominus est, qui fructum ex re percipit.* And so, no doubt, upon subsidies and taxes *cestuy que use* should have been valued as an owner; so, likewise, if *cestuy que use* had released his use unto the feoffee for six pounds, or contracted with a stranger for the like sum, there was no doubt but it was a good condition or contract whereon to ground an action upon the case for the money: for a release of a suit in the chancery is a good *quid pro quo ;* therefore, to conclude, though a use be nothing in law to yield remedy by course of law, yet it is somewhat in reputation of law and in conscience; for that may be something in conscience which is nothing in law, like as that may be something in law which is nothing in conscience; as, if the feoffees had made a feoffment over in fee, *bona fide*, upon good consideration, and, upon a *subpœna* brought against them, had pleaded this matter in chancery, this had been nothing in conscience, not as to discharge them of damages.

5 H. 7. 5. 15 H. 7. 2. 5 H. 5. 3. Br. Forfeiture, 14. 5 H. 5. 3. Dyer 12. 2 H. 7. 4. 7 H. 7. 11, 12. Dyer 215. 6. Co. Lit. 272. 15 H. 7. 13. per. Ch. J. 21 H. 7. 6.

A second negative fit to be understood is, that a use is no covin, nor it is no collusion, as the word is now used; for it is to be noted, that where a man doth remove the estate and possession of lands or goods, out of himself unto another upon trust, it is either a special trust, or a general trust.

The special trust is either lawful or unlawful.

The special trust unlawful is, according to the cases provided for by ancient statutes of fermours of the profits; as where it is to defraud creditors, or to get men to maintain suits, or to defeat the tenancy to the *præcipe*, or the statute of mortmain, or the lords of their wardships, or the like; and those are termed frauds, covins, or collusions.

The special trust lawful is, as when I infeoff some of my friends, because I am to go beyond the seas, or because I would exempt the land from some general statute, or bond, which I am to enter into, or upon intent to be reinfeoffed, or intent to be vouched, and so to suffer a common recovery, or upon intent that the feoffees shall infeoff over a stranger, and infinite the like intents and purposes, which fall out in men's dealings and occasions; and this we call confidence, and the books do call them intents; but where the trust is not special, nor transitory, but general and permanent, there it is a use; and therefore these three are to be distinguished, and not confounded; the covin, the confidence, and the use.

So as now we are come by negatives to the affirmative, what a use is, agreeable to the definition in Plowden, 352. In Barnard and Delamer's case, where it is said:—that

Secondly, affirmatively. 1 Rep. 121. Chudleigh's case, Poph. 71, 72. Delamer's case, Plow. 343. 352. Dyer, 186.

Use is a trust reposed in any person by the terre-tenant, that he may suffer him to take the profits, and that he will perform his intent.

But it is a shorter speech to say, that

Usus est dominium fiduciarium: Use is an owner's life in trust.

So that *usus et status, sive possessio, potius differunt secundum rationem fori, quam secundum naturam rei,* for that one is in course of law, the other is in course of conscience; and for a trust, which is the way to a use, it is exceedingly well defined by Azo, a civilian of great understanding:

Fides est obligatio conscientiæ unius ad intentionem alterius.

And they have a good division likewise of rights when they say there is

Jus precarium: Jus fiduciarium: Jus legitimum.

1. A right in courtesy, for the which there is no remedy at all.
2. A right in trust, for which there is a remedy, but only in conscience.
3. A right in law.

And so much of the nature and definition of a use.

The parts and properties of a use.

It followeth to consider the parts and properties of a use: wherein it appeareth by the consent of all books, and it was distinctly delivered by Justice Walmsley, in 36 of Elizabeth: That a trust consisteth upon three parts.

The parts.

The first, that the feoffee will suffer the feoffer to take the profits.

The second, that the feoffee upon request of the feoffor, or notice of his will, will execute the estates to the feoffor, or his heirs, or any other at his direction.

The third, that if the feoffee be disseised, and so the feoffor disturbed, the feoffee will re-enter, or bring an action to re-continue the possession; for that those three, pernancy of profits, execution of estates, and defence of the land, are the three points of the trust.

The properties.

For the properties of a use, they are exceedingly well set forth by Fenner, justice, in the same case; and they be three:

1. Uses, saith he, are created by confidence:
2. Preserved by privity, which is nothing else but a continuance of the confidence, without interruption: and,
3. Ordered and guided by conscience: either by the private conscience of the feoffee, or the general conscience of the realm, which is chancery.

The two former of which, because they be matters more thoroughly beaten, and we shall have occasion hereafter to handle them, we will not now dilate upon:.

But the third we will speak somewhat of; both because it is a key to open many of the true reasons and learnings of uses, and because it tendeth to decide our great and principal doubts at this day.

Coke, solicitor, entering into his argument of Chudleigh's case, said sharply and fitly: "I will put never a case but it shall be of a use, for a use in law hath no fellow;" meaning, that the learning of uses is not to be matched with other learnings. And Anderson, chief justice, in the argument of the same case, did truly and profoundly control the vulgar opinion collected upon 5 E. IV. that there might be *possessio fratris* of a use; for he said, that it was no more but that the chancellor would consult with the rules of law, where the intention of the parties did not specially appear; and therefore the private conceit, which Glanvile, justice, cited in the 42 Reginæ, in the case of Corbet and Corbet, in the Common Pleas, of one of Lincoln's Inn, whom he named not, but seemed well to allow of the opinion, is not sound; which was, that a use was but a limitation, and did ensue the nature of a possession.

5 E. 4. 7.

1 Rep. 8º.

This very conceit was set on foot in 27 H. VIII. in the Lord Darcie's case, in which time they began to heave at uses: for thereafter the realm had many ages together put in action the passing of uses by will, they began to argue that a use was not devisable, but that it did ensue the nature of the land: and the same year after this statute was made; so that this opinion seemeth ever to be a prelude and forerunner to an act of Parliament touching uses; and if it be so meant now, I like it well: but in the mean time the opinion itself is to be rejected; and because, in the same case of Corbet and Corbet, three reverend judges of the Court of Common Pleas did deliver and publish their opinion, though not directly upon the point adjudged, yet *obiter* as one of the reasons of their judgment, that a use of inheritance could not be limited to cease; and, again, that the limitation of a new use could not be to a stranger; ruling uses merely according to the ground of possession; it is worth the labour to examine that learning. By 3 H. VII. you may collect, that if the feoffees had been disseised by the common law, and an ancestor collateral of *cestuy que use* had released unto the disseisor, and his warranty had attached upon *cestuy que use,* yet the chancellor, upon this matter showed, would have no respect unto it, to compel the feoffees to

27 H. 8, 9, 10.

1 Rep. 88.

execute the estate unto the disseisor: for there the case being, that *cestuy que use* in tail having made an assurance by fine and recovery, and by warranty which descended upon his issue, two of the judges held, that the use is not extinct; and Bryan and Hussey, that held the contrary, said, that the common law is altered by the new statute; whereby they admit, that by the common law that warranty will not bind and extinct a right of a use, as it will do a right of possession; and the reason is, because the law of collateral warranty is a hard law, and not to be considered in a court of conscience. In 5 E. IV. it is said, that if *cestuy que use* be attainted, *query*, who shall have the land, for the lord shall not have the land; so as there the use doth not imitate the possession; and the reason is, because the lord hath a tenant in by title; for that is nothing to the *suprema*, because the feoffor's intent was never to advance the lord, but only his own blood; and therefore the *query* of the book ariseth, what the trust and confidence of the feoffee did tie him to do, as whether he should not sell the land to the use of the feoffee's will, or *in pios usus?* So favourably they took the intent in those days, like as you may find in 37 H. VI. that if a man had appointed his use to one for life, the remainder in fee to another, and *cestuy que use*, for life had refused, because the intent appeared not to advance the heir at all, nor him in reversion, presently the feoffee should make the estate for life of him that refused, some ways to the behoof of the feoffor. But to proceed in some better order towards the disproof of this opinion of imitation, there be four points wherein we will examine the nature of uses.

5 E. 4, 7.

37 H. 6, 36.

Sug. Gilb. 247 n. Coup.

The raising of them.

The preserving of them.

The transferring of them.

The extinguishing of them.

1. In all these four you shall see apparently that uses stand upon their own reasons, utterly differing from cases of possession. I would have one case showed by men learned in the law, where there is a deed; and yet there needs a consideration; as for parole, the law adjudgeth it too light to give a use without consideration; but a deed ever in law imports a consideration, because of the deliberation and ceremony in the confection of it: and, therefore, in 8 Reginæ it is solemnly argued, that a deed should raise a use without any other consideration. In the queen's case a false consideration, if it be of record, will hurt the patent, but want of consideration doth never hurt it; and yet they say that a use is but a nimble and light thing; and now, contrariwise, it seemeth to be weightier than any thing else: for you cannot weigh it up to raise it, neither by deed, nor deed enrolled, without the weight of a consideration; but you shall never find a reason of this to the world's end, in the law: but it is a reason of chancery, and it is this:

That no court of conscience will enforce *donum gratuitum*, though the intent appear never so clearly, where it is not executed, or sufficiently passed by law; but if money had been paid, and so a person damnified, or that it was for the establishment of his house, then it is a good matter in the chancery. So again I would see in all the law, a case where a man shall take by conveyance, be it by deed, livery, or word, that is not party to the grant: I do not say that the delivery must be to him that takes by the deed, for a deed may be delivery to one man to the use of another. Neither do I say that he must be party to the livery or deed, for he in the remainder may take though he be party to neither; but he must be party to the words of the grant; here again the case of the use goeth single, and the reason is, because a conveyance in use is nothing but a publication of the trust; and, therefore, so as the party trusted be declared, it is not material to whom the publication be. So much for the raising of uses. Now as to the preserving of them.

2 Roll. Abr. 786 Plow. 302. Dy. 169. 337. 7 Rep. 40. 2 Vern. 239.

2. There is no case in the common law wherein notice simply and nakedly is material to make a coven, or *particeps criminis;* and, therefore, if the heir, which is in by descent, infeoff one which had notice of the disseisin, if he were not a *disseisor de facto*, it is nothing: so in 33 H. VI. if a feoffment be made upon collusion, and that feoffee make a feoffment over upon good consideration, the collusion is discharged, and it is not material whether the second feoffee had notice or no. So as it is put in 14 H. VIII. if a sale be made in a market overt upon good consideration, although it be to one that hath notice that they are stolen goods, yet the property of a stranger is bound; though in the book before remembered, 35 H. VI. there be some opinion to the contrary, which is clearly no law; so in 31 E. III. if assets descend to the heir, and he alien it upon good consideration, although it be to one that had notice of the debt, or of the warranty, yet it is good enough. So 25 Ass. p. 1, if a man enter of purpose into my lands, to the end that a stranger which hath right, should bring his *præcipe* and evict the land, I may enter notwithstanding any such recovery: but if he enter, having notice that the stranger hath right, and the stranger likewise having notice of his entry, yet if it were not upon confederacy or collusion between them, it is nothing; and the reason of these cases is, because the common law looketh no farther than to see whether the act were merely *actus fictus in fraudem legis;* and, therefore, wheresoever it findeth consideration given, it dischargeth the coven.

33 H. 6. 5.

But come now to the case of the use, and there it is otherwise, as it is in 14

Dy. 12.

H. VIII. and 28 H. VIII. and divers other books; which prove that if the feoffee sell the land for good consideration to one that hath notice, the purchaser shall stand seised to the ancient use; and the reason is, because the chancery looketh farther than the common law, namely, to the corrupt conscience of him that will deal with the land, knowing it in equity to be another's; and, therefore, if there were *radix amaritudinis*, the consideration purgeth it not, but it is at the peril of him that giveth it: so that a consideration, or no consideration, is an issue at the common law; but notice, or no notice, is an issue in the chancery. And so much for the preserving of uses.

3 Rep. 81. 1 Roll. Abr. 779.

The transferring of uses.

3. For the transferring of uses there is no case in law whereby an action may be transferred, but the *subpœna* we see in case of use was always assignable; nay, farther, you find twice 27 H. VIII. fol. 20, pla. 9; and, again, fol. 30, and pla. 21, that a right of use may be transferred; for in the former case Montague maketh an objection, and saith, that a right of use cannot be given by fine, but to him that hath the possession; Fitzherbert answereth, Yes, well enough; *query* the reason, saith the book.

And in the latter case, where *cestuy que use* was infeoffed by the disseisor of the feoffee, and made a feoffment over, Englefield doubted whether the second feoffee should have the use. Fitzherbert said, "I marvel you will make a doubt of it, for there is no doubt but the use passeth by the feoffment to the stranger, and, therefore, this question needeth not to have been made." So the great difficulty in 10 Reginæ, Delamer's case, where the case was in effect, there being tenant in tail of a use, the remainder in fee, tenant in tail made a feoffment in fee, by the statute of 1 R. III. and that feoffee infeoffed him in the remainder of the use, who made a feoffment over; and there question being made, whether the second feoffee should have the use in remainder, it is well said, that the second feoffee must needs have the best right in conscience; because the first feoffee claimeth nothing but in trust, and the *cestuy que use* cannot claim it against his sale; but the reason is apparent, as is touched before, that a use in *esse* was but a thing in action, or in suit to be brought in court of conscience; and whether the *subpœna* was to be brought against the feoffee in possession to execute the estate, or against the feoffee out of possession to recontinue the estate, always the *subpœna* might be transferred; for still the action at the common law was not stirred, but remained in the feoffee; and so no mischief of maintainance or transferring rights.

Gilb. v.

And if any use being but in right may be assigned, and passed over to a stranger, *a multo fortiori*, it may be limited to a stranger upon the privity of the first conveyance, as shall be handled in another place; and whereas Glanvile, justice, said, that he could never find, neither in book, nor evidences of any antiquity, a contingent use limited over to a stranger; I answer, first, it is no marvel that you find no case before E. IV. his time, of contingent uses, where there be not six of uses in all; and the reason, no doubt, was, because men did choose well whom they trusted, and trust was well observed; and at this day, in Ireland, where uses are in practice, cases of uses come seldom in question, except it be sometimes upon the alienations of tenants in tail by fine, that the feoffees will not be brought to execute estates to the disinheritance of ancient blood. But for experience of contingent uses, there was nothing more usual in obits than to will the use of the land to certain persons and their heirs, so long as they shall pay the chantry priests their wages, and in default of payment, then to limit the use over to other persons and their heirs; and so, in case of forfeiture, through many degrees; and such conveyances are as ancient as R. II. his time.

1 Rep. 121 129.

The extinguishment of uses.

4. Now for determining and extinguishing of uses, we put the case of collectoral warranty before; add to that, the notable case of 14 H. VIII., Halfpenny's case, where this very point is in the principal case; for a right out of land, and the land itself, in case of possession, cannot stand together, but the rent shall be extinct; but there the case is, that the use of the land and the use of the rent may stand well enough together; for a rent charge was granted by the feoffee to one that had notice of the use, and ruled, that the rent was to the ancient use, and both uses were *in esse simul et semel*; and though Brudenell, chief justice, urged the ground of possession to be otherwise, yet, he was overruled by other three justices; and Brooke said unto him, he thought he argued much for his pleasure. And to conclude, we see that things may be avoided and determined by the ceremonies and acts, like unto those by which they are created and raised: that which passeth by livery ought to be avoided by entry; that which passeth by grant, by claim; that which passeth by way of charge, determineth by way of discharge; and so a use which is raised but by a declaration or limitation may cease by words of declaration or limitation, as the civil law saith, *in his magis consentaneum est, quam ut iisdem modis res dissolvantur quibus constituantur.*

14 H. 8 4.

Co. Lit. 237. Dyer's case, 1 Rep. 174.

The inception and progress of uses.

For the inception and progression of uses, I have, for a precedent in them, searched other laws, because states and commonwealths have common accidents; and I find, in the civil law, that that which cometh nearest in name to the use is nothing like in matter, which is *usus fructus*; for *usus fructus*

et dominium is, with them, as with us, particular tenancy and inheritance. But that which resembleth the use most is, *fidei commisseo*, and, therefore, you shall find, in Justinian, lib. 2, that they had a form in testaments, to give inheritance to one to the use of another, *Hæredem constituo Caium; rogo autem te, Caie, ut hæreditatem restituas Scio.* And the text of the civilians saith, that for a great time, if the heir did not as he was required, *cestuy que use* had no remedy at all, until, about the time of Augustus Cæsar, there grew in custom a flattering form of trust, for they penned it thus: *Rogo te per salutem Augusti*, or *per fortunam Augusti*, &c. Whereupon Augustus took the breach of trust to sound in derogation of himself, and made a rescript to the *prætor* to give remedy in such cases; whereupon, within the space of a hundred years, these trusts did spring and speed so fast, as they were forced to have a particular chancellor only for uses, who was called *prætor fidei-commissarius*; and not long after, the inconvenience of them being found, they resorted unto a remedy much like unto this statute; for, by two decrees of senate, called *senatus consultum Trebellianum et Pegasianum*, they made *cestuy que use* to be heir in substance. I have sought, likewise, whether there be any thing which maketh with them in our law, and I find that Periam, chief baron, in the argument of Chudleigh's case, compareth them to copyholders, and aptly for many respects.

First, in the civil law. Contra Sigon de Judiciis, lib. 1, cap. 5.

Inst. 1, 2. Tit. 2. Donat. tom 3 lib. 6, tit. 3.

Second, in our law.

First, because, as a use seemeth to be an hereditament in the court of chancery, so the copyhold seemeth to be an hereditament in the lord's court.

Secondly, this conceit of limitation hath been troublesome in copyholders, as well as in uses; for it hath been of late days questioned, whether there should be dowers, tenancies by the courtesy, intails, discontinuances, and recoveries of copyholds, in the nature of inheritances, at the common law; and still the judgments have weighed, that you must have particular customs in copyholds, as well as particular reasons of conscience in use, and the limitation rejected.

And thirdly, because they both grew to strength and credit by degrees; for the copyholder first had no remedy at all against the lord, and were as tenancy at will. Afterwards it grew to have remedy in chancery, and afterwards against their lords by trespass at the common law; and now, lastly, the law is taken by some, that they have remedy by *ejectione firmæ*; without a special custom of leasing. So no doubt in uses: at the first the chancery made question to give remedy, until uses grew more general, and the chancery more eminent; and then they grew to have remedy in conscience: but they could never maintain any manner of remedy at the common law, neither against the feoffee, nor against strangers; but the remedy against the feoffee was but by the *subpœna*; and the remedy against strangers to the feoffee by *subpœna*.

Now for the causes whereupon uses were put in practice: Master Coke, in his reading, doth say well, that they were produced sometimes for fear, and many times for fraud. But I hold that neither of these cases were so much the reasons of uses, as another reason in the beginning, which was, that the lands by the common law of England were not testamentary or devisable; and of late years, since the statute, the case of the conveyance for sparing of purchases and execution of estates; and now, last of all, an express liberty of will in men's minds, affecting to have assurances of their estates and possessions to be revocable in their own times, and irrevocable after their own times.

The causes of them.

Now for the commencement and proceeding of them, I have considered what it hath been in course of common law, and what it hath been in course of statute. For the common law, the conceit of Shelley, in 24 H. VIII., and of Pollard, in 27 H. VIII., seemeth to me to be without ground, which was, that the use succeeded the tenure: for that the statute of *Quia emptores terrarum*, which was made 18 E. I. had taken away the tenure between the feoffor and the feoffee, and left it to the lord paramount; they said that the feoffment, being then merely without consideration, should therefore intend a use to the feoffor, which cannot be; for, by that reason, if the feoffment before the statute had been made *tenendum de capitalibus dominis*, as it might be, there should have been a use unto the feoffor before that statute. And again, if a grant had been of such things as consist in tenure, as advowsons, rents, villains, and the like, there should have been a use of them, wherein the law was quite contrary; for after the time that uses grew common, yet it was, nevertheless, a great doubt whether things that did lie in grant, did not carry a consideration in themselves because of the deed.

Their commencement and progress. First, in course of common law, 27 H. 8, 9, 10. Ld Dacre's case.

And therefore I do judge that the intendment of a use to the feoffor, where the feoffment was without consideration, grew long after, when uses waxed general; and for this reason, because when feoffments were made, and that it rested doubtful whether it were in use or in purchase, because purchases were things notorious, and trusts were things secret, the chancellor thought it more convenient to put the purchaser to prove his confidence, than the feoffor and his heirs to prove the use; and so made the intendment towards the use, and put the proof upon the purchaser.

7 E. 4 16. Shortridge v. Lamplugh, Salk 678.

And therefore as uses do carry at the common law in no reason, for whatsoever is not by statute, nor against law, may be said to be at the common law; and both

27 H. 8, 9, 10. Montague. Doctor & Stud. part 2, c. 22.

the general trust and the special were things not prohibited by law, though they were not remedied by law; so the experience and practice of uses were not ancient; and my reasons why I think so are these four:

First, I cannot find in any evidence before King R. II. his time, the clause *ad opus et usum*, and the very Latin of it savoureth of that time; for in ancient time, about E. I. and before, when lawyers were part civilians, the Latin phrase was much purer, as you may see partly by Bracton's writing and by ancient patents and deeds, and chiefly by the register of writs, which is good Latin; whereas the phrase *ad opus et usum*, as to the words *ad opus*, is a barbarous phrase, and like enough to be in the penning of some chaplain that was not much past his grammar, when he found *opus et usus* coupled together, and (preceding) that they govern an ablative case; as they do indeed since this statute, for they take away the land and and so put them into a conveyance.

Secondly, I find in no private act of attainder, in the clause of forfeiture of lands, the words, "which he hath in possession or in use," until about E. IV.'s reign.

Thirdly, I find the word "use" in no statute until 7 R. II., cap. 12., Of Provisors, and in 13 R., Of Mortuaries.

8 E. 4, 5.

Fourthly, I collect out of Choke's speech in 8 E. IV., where he saith, that by the advice of all the judges it was thought that the *subpœna* did not lie against the heir of the feoffee which was in by law, but that the *cestuy que use* was driven to bill in Parliament, so that uses at that time were but in their infancy; for no doubt at the first the chancery made difficulty to give any remedy at all, but to leave to the particular conscience of the feoffee: but after the chancery grew absolute, as may appear by the statute made in H. VI. that complainants in chancery should enter into bond to prove their suggestions, which showeth that the chancery at that time began to embrace too far, and was used for vexation; yet, nevertheless, it made scruple to give remedy against the heir, being in by act in law, though he were privy; so that it cannot be that uses had been in any great continuance when they made that question; as for the case of *matrimonii prælocuti*, it hath no affinity with uses; for wheresoever there was remedy at the common law by action, it cannot be intended to be of the nature of a use.

And for the book commonly vouched of 8 Ass. where Earl calleth the possession of a conuzee upon a fine levied by consent and entry in *autre droit*, and 44 of E. III., where there is mention of the feoffors that sued by petition to the king, they be but implications of no moment. So as it appeareth the first practice of uses was about R. II. his time; and the great multiplying and overspreading of them was partly during the wars in France, which drew most of the nobility to be absent from their possessions; and partly during the time of the trouble and civil wars between the two houses about the title of the crown.

Second course of statutes.

Now to conclude the progression of uses in courts of statutes, I do note three special points.

1. That a use had never any force at all at the common law, but by statute law.

2. That there was never any statute made directly for the benefit of *cestuy que use*, as that the descent of a use should toll an entry, or that a release should be good to the pernor of the profits, or the like; but always for the benefit of strangers, and third persons against *cestuy que use*, and his feoffees: for though by the statute of R. III., he might alter his feoffee, yet that was not the scope of the statute, but to make good his assurance to third persons, and the other came in but *ex obliquo*.

50 E. 3, c. 6.

3. That the special intent unlawful and covinous was the original of uses, though after it induced to the lawful intent general and special: so 50 E. III. is the first statute I find wherein mention is made of the taking of profits by one, where the estate in law is in another.

For as for the opinion in 27 H. VIII., that in case of the statute of Marlebridge, the feoffor took the profits, it is but a conceit: for the law is at this day, that if a man infeoff his eldest son, within age, and without consideration, although the profits be taken to the use of the son, yet it is a feoffment within the statute. And for the statute *De religiosis* 7 E. I., which prohibits generally that religious persons should not purchase *arte vel ingenio*, yet it maketh no mention of a use, but it saith *colore donationis, termini, vel alicujus tituli*, reciting there three forms of conveyances, the gift, the long lease, and feigned recovery; which gift cannot be understood of a gift to a stranger to their use, for that same to be holpen by 15 R. II. long after.

50 E. 3, c. 6.

But to proceed, in 50 E. III., a statute was made for the relief of creditors against such as made covinous gifts of their lands and goods, and conveyed their bodies into sanctuaries, there living high upon other men's goods; and, therefore, that statute made their lands and goods liable to their creditors' executions in that particular case, if they took the profits.

In 1 R. II. c. 9, a statute was made for relief of those as had right of action, against such as had removed the tenancy of the *præcipe* from them, sometimes by infeoffing great persons, for maintenance; and sometimes by feoffments to other persons, whereof the defendants could have no notice; and, therefore, the statute maketh the recovery good in all actions against the first feoffors, so as they took the profits, and so as the defendants bring their actions within a year of their

expulsions. In 2 R. II. cap. 3, an imperfection in the statute of 50 E. III. was holpen; for whereas the statute took no place, but where the defendant appeared, and so was frustrated, the statute giveth upon proclamation made at the gate of the place privileged, that the land should be liable without appearance.

In 7 R. II. cap. 12, a statute was made for the restraint of aliens, to take any benefices, or dignities ecclesiastical, or farms, or administration of them, without the king's special license, upon pain of the statute of provisors; which being remedied by a former statute, where the alien took it to his own use; it is by that statute remedied, where the alien took it to the use of another, as it is printed in the book; though I guess that if the record were searched, it should be, if any other purchased it to the use of an alien, and that the words, "or to the use of another," should be, "or any other to his use." In 15 R. II. cap. 5, a statute was made for the relief of lords against mortmain, where feoffments were made to the use of corporations; and an ordinance made that for feoffments past the feoffees should, before a day, either purchase license to amortise them, or alien them to some other use, and for feoffments to come, or they should be within the statute of mortmain. In 4 H. VIII. cap. 7, the statute of 1 R. II. 5, is enlarged in the limitation of time; whereas that statute did limit the action to be brought within the year of the feoffment, this statute in case of a disseisin extends the time to the life of the disseisor; and in all other actions, leaves it to the year from time to time of the action grown. In 11 H. VI. cap. 3, the statute of 4 H. IV. is declared, because that conceit was upon that statute, that in case of disseisin the limitation of the life of the disseisor went only to the assize of novel disseisin, and to no other action; and, therefore, that statute declareth the former law to extend to all other actions, grounded upon novel disseisin. In 11 H. IV. cap. 5, a statute was made for relief of him in remainder against particular tenants, for lives, or years, that assigned over their estates, and took the profits, and then committed waste; and, therefore, this statute giveth an action of waste against them, being pernors of profits. In all this course of statutes no relief is given to purchasers, that come in by the party, but to such as come in by law, as defendants in *præcipes*, whether they be creditors, disseisors, or lessors, and lands, and that only in case of mortmain: and note also, that they be all in cases of special covinous intents, as to defeat executions, tenancy to the *præcipe*, and the statute of mortmain, or provisors. From 11 H. VI. to 1 R. III. being a space of some fifty years, a great silence of uses in the statute book, which was this time no question, they were favoured most. In 1 R. III. cap. 1, cometh that great statute for the relief of those that come in by the party, and at that time a use appeareth in his likeness; for there is not a word spoken of any taking of the profits, to describe a use by, but of claiming to a use; and this statute ordained, that all feoffments, gifts, grants, &c. shall be good against the feoffors, donors, and grantors, and all other persons claiming only to their use; so as here the purchaser was fully relieved, and *cestuy que use*; was *obiter* enabled to change his feoffees; because there were no words in the statute of feoffments, grants, &c. upon good consideration, but generally. In H. VII.'s time new statutes were made for further help and remedy to those that came in by act in law; as 1 H. VII. cap. 1, a *formedon* is given without limitation of time against *cestuy que use*; and *obiter*, because they make him tenant, they give him the advantage of a tenant, with age and a voucher over: *query* 4 H. VII. cap. 17, the wardship is given to the lord of the heir of *cestuy que use*, dying, and no will declared, as if he had died seised in demesne, and *reciprocè* the action of waste given to the heir against the guardian, and damages, if the lord were barred in his writ of ward; and relief is likewise given unto the lord, if he, holding by knight service, be of full age. In 19 H. VII. cap. 15, there is relief again in three cases: first, to the creditors upon matter of record, as upon recognisance, statute, or judgment, whereof the two former were not aided at all by any statute: and the last was aided by a statute of 50 E. III. and 2 R. II. only in cases of sanctuary men. Secondly, to the lords in soccage for the reliefs, and herriots upon death, which was omitted in the 4 H. VII., and lastly, to the lords of villains, upon the purchase of their villains in use.

In 23 H. VIII. cap. 10, a further remedy was given in a case like unto the case of mortmain; for, in the statute of 15 R. II., remedy was given where the use came *ad manum mortuam*, which was when it came to some corporation: now, when uses were limited to a thing, apt or worthy, and not to a person or body, as to corporation of a church or chaplain, or obiit, but not incorporate as to priests, or to such guilds or fraternities as are only in reputation, and not incorporate, the case was omitted, which by the statute was remedied, but not by way of giving entry unto the lord, but by way of making the use utterly void; neither doth the statutes express to whose benefit the use shall be void, either the feoffor or the feoffee, but leaveth it to law, and addeth a *proviso*, that such uses may be limited from the gift, and no longer.

This is the whole course of the statute law, before this statute. Thus have I set forth unto you the nature and definition of a use, the differences and trusts of a use, the parts of a use, the qualities of it; and by what rules and learnings uses shall be guided and ordered: a precedent of them in other laws, the causes of the springing

and proceeding of them, the continuance of uses, and the proceeding that they have had both in common and statute law; whereby it may appear, that a use is no more but a general trust when a man will trust the conscience of another better than his own estate and possession, which is an accident or event of him and society, which hath been, and will be in all laws, and therefore was at the common law; for, as Fitzherbert saith, in the 14 H. VIII., common reason is common law, and not conscience; but common reason doth define that uses should be remedied in conscience, and not in courts of law, and ordered by rules in conscience, and not by straight cases of law; for the common law hath a kind of rule on the chancery, to determine what belongs unto the chancery. And therefore we may truly conclude, that the force and strength of the use had or hath in conscience, is by common law; and, therefore, that it had or hath in law, is only by statute.

14 H. 8, 4.

Of uses since the statute

Now followeth in course both of time and matter, the consideration of this statute, our principal labour; and whereunto this former consideration which we have handled, serve but for introduction.

This statute, as it is the statute which of all others hath the greatest power and operation over the inheritance of the realm, so, howsoever it hath been by the humour of the time perverted in exposition, yet itself is the most perfect and exactly conceived and penned of any law in the book. It is induced with the most declaring and understanding preamble, consisting and standing upon the wisest and fittest ordinances, and qualified with the most foreseeing and circumspect savings and provisoes; and, lastly, the best pondered of all the words and clauses of it, of any statute that I find. But before I come to the statute itself, I will note unto you three matters of circumstance.

Of the circumstancing the sta

1. The time of the statute. 2. The title of it. 3. The precedent or pattern of it.

1. The time of the statute.

For the time, it was made in 27 H. VIII., when the kingdom was in full peace, and in a wealthy and in a flourishing time, in which nature of time men are most careful of the assurance of their possessions; as well because purchasers are most stirring, as again, because the purchaser, when he is full, is no less careful of his assurance to his children, and of disposing that which he hath gotten, than he was of his bargain and compassing thereof.

About that time the realm began to be enfranchised from the tributes to Rome, and the possessions that had been in mortmain began to stir abroad; for this year was the suppression of the smaller houses, all tending to plenty, and purchasing: and this statute came in consort with divers excellent statutes, made for the kingdom in the same parliament; as the reduction of Wales to a more civil government, the re-edifying of divers cities and towns, the suppressing of depopulation and enclosures, all badges of a time that did extraordinarily flourish.

2. The title.

For the title, it hath one title in the roll, and another in course of pleading. The title in the roll is no solemn title, but an apt title, viz., An act expressing an order for uses and wills; it was time, for they were out of order. The title in course of pleading is, *Statutum de usibus in possessionem transferendis:* wherein Walmsly, justice, noted well, 40 Reginæ, that if a man look to the working of the statute, he would think that it should be turned the other way, *de possessionibus ad usus transferendis:* for that is the course that the statute holdeth, to bring possession to the use. But the title is framed not according to the working of the statute, but according to the scope and intention of the statute, *nam quod primum est intentione ultimum est opere.* And the intention of the statute was by carrying the possession to the use, to turn the use into a possession; for the words are not *de possessionibus ad usus sed in usus transferendis;* and, as the grammarian saith, *præpositio, ad, denotat motum actionis, sed præpositio,* in, *cum accusativo, denotat motum alterationis:* and therefore, Kingsmill, justice, in the same case said, that the meaning of the statute was to make a transubstantiation of the use into a possession.

But it is to be noted, that titles of acts of Parliament severally came in H. VIII., for before that time there was but one title to all the acts made in one Parliament; and that was no title neither, but a general preface of the good intent of the king, but now it is parcel of the record.

The precedent upon which it is drawn.

For the precedent of this statute upon which it is drawn, I do find it by the first R. III. c. 5, whereupon you may see the very mould whereon this statute was made, where the said king having been infeoffed (before he usurped) to uses, it was ordained that the land whereof he was jointly infeoffed with others should be in his other cofeoffees as if he had not been named, and where he was solely infeoffed, it should be in *cestuy que use*, in estate, as he had the use.

Now to come to the statute itself, the statute consisteth, as other laws do, upon a preamble, the body of the law, and certain savings, and provisoes. The preamble setteth forth the inconvenience, the body of the law giveth the remedy. For new laws are like the apothecaries' drugs, though they remedy the disease, yet, they trouble the body; and, therefore, they use to correct with spices: and so it is not possible to find a remedy for any mischief in the commonwealth, but it will beget some new mischief; and, therefore, they spice their laws with provisoes to correct and qualify them.

The preamble.

The preamble of this law was justly

In Chudleigh's case, 1 Rep. 123.

commended by Popham, chief justice, in 36 Eliz., where he saith, that there is little need to search and collect out of cases, before this statute, what the mischief was which the scope of the statute was to redress; because there is a shorter way offered us, by the sufficiency and fulness of the preamble, and because it is indeed the very level which doth direct the very ordinance of the statute, and because all the mischief hath grown by expounding of this statute, as if they had cut off the body of this statute from the preamble; it is good to consider it and ponder it thoroughly.

Its parts.

The preamble hath three parts.

First, a recital of our principal inconvenience, which is the root of all the rest.

Secondly, an enumeration of divers particular inconveniences, as branches of the former.

Thirdly, a taste or brief note of the remedy that the statute meaneth to apply.

1. The principal inconvenience.

The principal inconvenience, which is *radix omnium malorum*, is the digressing from the grounds and principles of the common law, by inventing a mean to transfer lands and hereditaments without any solemnity or act notorious; so as the whole statute is to be expounded strongly towards the extinguishment of all conveyances, whereby the freehold or inheritance may pass without any new confections of deeds, executions of estate or entries, except it be where the estate is of privity and dependence one towards the other; in which cases, *mutatis mutandis*, they might pass by the rules of the common law.

The particulars.

The particular inconveniences by the law rehearsed may be reduced into four heads.

1. First, that these conveyances in use are weak for consideration.

2. Secondly, that they are obscure and doubtful for trial.

3. Thirdly, that they are dangerous for lack of notice and publication.

4. Fourthly, that they are exempted from all such titles as the law subjecteth possessions unto.

The first inconvenience lighteth upon heirs.

The second upon jurors and witnesses.

The third upon purchasers.

The fourth upon such as come in by gift in law.

All which are persons that the law doth principally respect and favour.

1. They are weak in consideration.

For the first of these are there three impediments to the judgment of man, in disposing wisely and advisedly of his estate.

First, nonability of mind.

Secondly, want of time.

Thirdly, of wise and faithful counsel about him.

1. And all these three the statute did find to be in the disposition of a use by will, whereof followed the unjust disinherison of many. Now the favour of the law unto heirs appeareth in many parts of the law; of descent which privilegeth the possession of the heir against the entry of him that has right by the law; that a man shall not warrant against his heir, except he warrant against himself, and divers other cases too long to stand upon; and we see the ancient law in Glanvill's time was, that the ancestor could not disinherit his heir by grant, or other act executed not in time of sickness; neither could he alien land which had descended unto him, except it were for consideration of money or service; but not to advance any younger brother without the consent of the heir.

Glanv. b. 7. ch. 1. fol 44.

2. For trials, no law ever took a stricter course that evidence should not be perplexed, nor juries inveigled, than the common law of England; as on the other side, never law took a stricter or more precise course with juries, that they should give a direct verdict. For whereas in a manner all laws do give the triers, or jurors (which in other laws are called judges *de facto*) leave to give a *non liquet*, that is, no verdict at all, and so the cause to stand abated; our law enforceth them to a direct verdict, general or special; and whereas other laws accept of plurality of voices to make a verdict, our law enforceth them all to agree in one; and whereas other laws leave them to their own time and ease, and to part, and to meet again; our law doth duress and imprison them in the hardest manner, without food, light, or other comfort, until they be agreed. In consideration of which strictness and coercion, it is consonant, that the law do require in all matters brought to issue, that there be full proof and evidence; and, therefore, if the matter of itself be in the nature of simple contracts, which are made by parole without writing.

They are both obscure and doubtful for trial.

In issue upon the mere right, which is a thing hard to discern, it alloweth the wager of battail to spare jurors. If time have wore the marks and badges of truth: from time to time there have been statutes of limitation, where you shall find this mischief of perjuries often recited; and lastly, which is the matter in hand, all inheritances could not pass but by acts overt and notorious, as by deed, livery, and record.

3. For purchasers, *bonâ fide*, it may appear that they were ever favoured in our law, as first by the great favour of warranties which were ever for the indemnity of purchasers: as where we see that by the law in E. III.'s time, the disseisee could not enter upon the feoffee in regard of the warranty. So again the collateral guarranty, which otherwise is a hard law, grew no doubt only upon favour of purchasers; so likewise that the law doth take strictly rent charge, conditions, extent, was

3. The use dangerous for want of notice.

merely in favour of purchasers; so was the binding of fines at the common law, the invention and practice of recoveries, to defeat the statute of entails, and many more grounds and learnings of law are to be found, respect the quiet possession of purchasers. And, therefore, though the statute of 1 R. III. had provided for the purchaser in some sort, by enabling the acts and conveyances of *cestuy que use*, yet, nevertheless, the statute did not at all disable the acts or charges of the feoffees: and so, as Walmsly, justice, said, 42 Eliz. they played at double hand, for *cestuy que use* might sell, and the feoffee might sell, which was a very great uncertainty to the purchaser.

4. They are exempt from all titles in law.

4. For the fourth point of inconvenience towards those that come in by law; conveyances in uses were like privileged places or liberties: for as there the law doth not run, so upon such conveyances the law could take no hold, but they were exempted from all titles in law. No man is so absolute owner in his own possessions, but that the wisdom of the law doth reserve certain titles unto others; and such persons come not in by the pleasure and disposition of the party, but by the justice and consideration of law, and, therefore, of all others they are most favoured: and they are principally three.

1. The king and lords, who lost the benefit of attainders, fines for alienations, escheats, aids, herriots, reliefs, &c.

2. The demandants in *præcipes* either real or personal, for debt and damages, who lost the benefit of their recoveries and executions.

3. Tenants in dower, and by the courtesy, who lost their estates and titles.

1. First for the king: no law doth endow the king or sovereign with more prerogatives than one: for it preserveth and exempteth his person from suits and actions, his possessions from interruption or disturbance, his right from limitation of time, his patents from all deceits and false suggestions. Next the king is the lord, whose duties and rights the law doth much favour, because the law supposeth the land did originally come from him; for until the statute of *quia emptores terrarum*, the lord was not forced to distract or dismember his signiory or service. So, until 15 H. VII. the law was taken, that the lord, upon his title of wardship, should oust a reconuzee of a statute, or a termor: So again we see, that the statute of mortmain was made to preserve the lord's escheats and wardships. The tenant in dower is so much favoured, as that it is the common saying and by-word in the law, that the law favoureth three things.

1. Life. 2. Liberty. 3. Dower.

So, in case of voucher, the feme shall not be delayed, but shall recover against the heir maintenant: So likewise for the tenant by courtesy, as it is called, and by the law of England, and therefore specially favoured, as a proper conceit and invention of our law. So, again, they principally favour such as have ancient rights, and therefore Lett telleth us that it is commonly said that a right cannot die: and that ground of law, that a freehold cannot be in suspense, showeth it well, insomuch that the law will rather give the land to the first comer, which we call an occupant, than want a tenant to a stranger's action.

And, again, the other ancient ground of law of *remitter*, showeth that where the tenant faileth without folly in the demandant, the law executeth the ancient right. To conclude, therefore, this part, when this practice of feoffments in use did prejudice and damnify all those persons that the ancient common law favoured, and did absolutely cross the wisdom of the law, which was to have conveyances considerate and notorious, and to have trial thereupon clear and not inveigled, it is no marvel that the statute concludeth, that the subtile imaginations and abuses tended to the utter subversion of the ancient common laws of this realm.

3. A touch of the remedy.

The third part giveth a touch of the remedy which the statute intendeth to minister, consisting in two parts.

First, the extirpation of feoffments.

Secondly, the taking away of the hurt, damage, and deceit of uses; out of which have been gathered two extremities of opinions.

The first opinion is, that the intention of the statute was to discontinue and banish all conveyances in use; grounding themselves both upon the words, that the statute doth not speak of the extinguishment or extirpation of the use, namely, by a unity of possession, but of an extinguishment or extirpation of the feoffment, &c., which is the conveyance itself.

Secondly, out of the words abuse and errors, heretofore used and accustomed, as if uses had not been at the common law, but had been only an erroneous device and practice. To both which I answer:

To the former, that the extirpation which the statute meant was plain, to be of the feoffee's estate, and not of the form of conveyances.

To the latter I say, that for the word abuse, that may be an abuse of the law, which is not against law, as the taking of long leases of lands at this day in capite to defraud wardships is an abuse of law, but yet it is according to law, and for the word (errors) the statute meant by it, not a mistaking of the law, but a wandering or going astray, or digressing from the ancient practice of the law, into a bye-course: as when we say, *erravimus cum patribus nostris*, it is not meant of ignorance, but of perversity. But to prove that the statute meant not to suppress the form of conveyances, there be three reasons which are not answerable.

The first is, that the statute in every branch

thereof hath words *de futuro*, that are seised, or hereafter shall be seised; and whereas it may be said that these words were put in, in regard of uses suspended by discontinuance, and so no present seisin to the use, until a regress of the feoffees; that intendment is very particular, for commonly such cases special are brought in by provisos, or special branches, and not intermixed in the body of a statute; and it had been easy for the statute to have, "or hereafter shall be seised upon every feoffment, &c., heretofore had or made."

My second reason is upon the words of the statute of enrolment, which saith, that (no hereditaments shall pass, &c., or any use thereof, &c.,) whereby it is manifest, that the statute meant to leave the form of conveyance with the addition of a farther ceremony.

The third reason I make is out of the words of the first proviso, where it is said, that no primer seisin, livery, fine, nor alienation, &c., shall be taken for any estate executed by force of the statute, before the first of May, 1536, but that they shall be paid for uses made and executed in possession for the time after; where the word made directly goeth to conveyances in use made after the statute, and can have no other understanding; for the words, executed in possession, would have served for the case of regress: and, lastly, which is more than all, if they have had any such intent, the case being so general and so plain, they would have had words express, that every limitation of use made after the statute should have been void; and this was the exposition, as tradition goeth, that a reader of Gray's Inn, that read soon after the statute, was in trouble for, and worthily, which, I suppose, was Boiser, whose reading I could never see; but I do now insist upon it, because now again some, in an immoderate invective against uses, do relapse to the same opinion.

27 H. 8.

The second opinion, which I call a contrary extremity, is that the statute meant only to remedy the mischiefs in the preamble, recited as they grew by reason of divided uses; although the like mischief may grow upon the contingent uses, yet the statute had no foresight of them at that time, and so it was merely a new case, not comprised. Whereunto I answer, that I grant the work of the statute is to execute the divided use; and, therefore, to make any use void by this statute which was good before; though it doth participate of the mischief recited in the statute, were to make a law upon a preamble without a purview, which were grossly absurd. But upon the question what uses are executed, and what not; and whether out of the possessions of a disseisin, or other possessions out of privity or not, there you shall guide your exposition according to the preamble; as shall be handled in my next day's discourse, and so much touching the preamble of this law.

Opinion.

For the body of the law, I would wish all readers that expound statutes to do as scholars are willed to do: that is, first, to seek out the principal verb; that is, to note and single out the material words whereupon this statute is framed; for there are, in every statute, certain words, which are veins where the life and blood of the statute cometh, and where all doubts do arise and issue forth, and all the rest of the words are but *literæ mortuæ*, fulfilling words.

Cap. 2. The body of the law.

The body of the statute consisteth upon two parts.

First, a supposition, or case put, as Anderson, 36 Eliz., called it.

Secondly, a purview, or ordinance thereupon.

The cases of the statute are three, and every one hath his purview: the general case; the case of feoffees to the use of some of them; and the general case of feoffees to the use or pernors of rents or profits.

The cases of the statute.

The general case is built upon eight material words: four on the part of the feoffees; three on the part of *cestuy que use;* and one common to them both.

2 The general case.

The first material word on the part of the feoffees is the word person. This excludes all abeyance; for there can be no confidence reposed but in a person certain. It excludes again all corporations: for they are enabled to a use certain; for note on the part of the feoffor over the statute insists upon the word person; and on the part of *cestuy que use*, it ever addeth, body politic.

The second word material is the word seised. This excludes chattels. The reason they meant to remit the common law, and not to alter that chattels might ever pass by testament or by parole; therefore the use did not pervert them. It excludes again rights, for it was against the rules of the common law to grant or transfer rights; therefore the statute would execute them. Thirdly, it excludes contingent uses, because the seisin can be but to a fee-simple of a use; and when that is limited, the seisin of the feoffee is spent; for Littleton tells us, that there are but two seisins; one, *in dominio ut de feodo;* the other, *ut de feodo;* and the feoffee by the common law could execute but the fee-simple to uses present, and no post uses; and therefore the statute meant not to execute them.

Dy. 49. Cramlington's case, 2 Ventr. 310.

The third material word is the word hereafter: that bringeth in conveyances made after the statute. It brings in again conveyances made before and disturbed by disseisin and recontinued after; for it is not said, infeoffed to use, but hereafter seised.

The fourth word is hereditament, which is to be understood of those things whereof an inheritance may be, and not of those things whereof an inheritance is in esse; for if I grant a rent charge *de novo* for life to a use, this is good enough; and yet there is no inheritance in being of this rent. This word likewise excludes annuities and uses themselves, so that a use cannot be to a use.

The first words on the part of *cestuy que use* are the words, use, trust, or confidence; whereby it is plain that the statute meant not to make *vocabulatum artis*, but it meant to remedy matter, and not word; and in all the clauses it still carrieth the words.

Broughton v. Langley. Salk. 679. 1 Lutw. 823. Contr Burchett v. Durdant. 2 Ventr. 312.

The second word is the word person, again, which excludeth all abeyance; it excludeth also dead uses, which are not to bodies lively and natural, as the building of a church, the making of a bridge; but here, as was noted before, is ever coupled with body politic.

The third word is the word other: The statute meant not to cross the common law. Now, at this time uses were grown into such familiarity, as men could not think of a possession, but in course of use; and so every man was said to be seised to his own use, as well as to the use of others; therefore, because the statute would not stir nor turmoil possessions settled at common law, it putteth in precisely this word, other; meaning the divided use, and not the conjoined use; and this word causeth the clause in joint feoffees to follow in a branch by itself; for else that case had been doubtful upon this word, other.

Collard v. Call. 2 R. Abr. 768 How v. Dixe. 1 Sid. 26.

The words that are common to both are words expressing the conveyance whereby the use ariseth, of which words those that breed any question are, agreement, will, otherwise, whereby some have inferred that uses might be raised by agreement parole, so there were a consideration of money or other matter valuable; for it is expressed in the words before, bargain, sale, and contract, but of blood, or kindred; the error of which collection appeareth in the word immediately following, namely, will, whereby they might as well include, that a man seised of land might raise a use by will, especially to any of his sons or kindred, where there is a real consideration; and by that reason, mean, betwixt this statute and by the statute of 32 of wills, lands were devisable, especially to any man's kindred, which was clearly otherwise; and, therefore, those words were put in, but in regard of uses formerly transferred by those conveyances; for it is clear that a use in esse by simple agreement, with consideration, or without, or likewise by will, might be transferred; and there was a person seised to a use, by force of that agreement or will, namely, to the use of the assignee; and, for the word otherwise, it should by the generality of the word include a disseisin to a use. But the whole scope of the statute crosseth that which was to execute such uses, as were confidences and trust, which could not be in case of disseisin; for if there were a commandment precedent, then the land was vested in *cestuy que use* upon the entry; and if the disseisin were of the disseisor's own head, then no trust. And thus much for the case of exposition of this statute: here follow the ordinance and purview thereupon.

Purview or ordinance thereupon.

The purview hath two parts: the first, *operatio statuti*, the effect that the statute worketh; and there is *modus operandi*, a fiction or explanation how the statute doth work that effect. The effect is, that *cestuy que use* shall be in possession of like estate as he hath in the use; the fiction *quomodo* is, that the statute will have the possession of *cestuy que use*, as a new body compounded of matter and form; and that the feoffees shall give matter and substance, and the use shall give form and quality. The material words in the first part of the purview are four.

Colemar v. Senhouse. Pollexf 525. 586. Lisle v. Gray. 1 Rep. 10. 28. 138 Chudleigh's case. Cooper v. Franklyn 1 Ro Abr 780. Cro. Jac. 401.

The first words are, remainder and reverter, the statute having spoken before of uses in fee-simple, in tail, for life, or years, addeth, or otherwise in remainder or reverter; whereby it is manifest, that the first words are to be understood of uses in possession. For there are two substantial and essential differences of estates; the one limiting the times, for all estates are but times of their continuances; the former maketh like difference of fee-simple, fee-tail, for life or years; and the other maketh difference of possession as remainder; all other differences of estate are but accidents, as shall be said hereafter. These two the statute meant to take hold of, and at the words, remainder and reverter, it stops: it adds not words, right, title, or possibility, nor it hath not general words, or otherwise; whereby it is most plain, that the statute meant to execute no inferior uses to remainder or reverter: that is to say, no possibility or contingencies, but estates, only such as the feoffees might have executed by conscience made. Note, also, that the very letter of the statute doth take notice of a difference between a use in remainder and a use in reverter; which though it cannot be properly, because it doth not depend upon particular estates, as remainders do, neither did then before the statute draw any tenures as reversions do; yet, the statute intends there is a difference when the particular use, and the use limited upon the particular use, are both new uses, in which case it is a use in remainder; and where the particular use is a new use, and the remnant of the use is the old use, in which case it is a use in reverter.

The next material words are, from henceforth, which doth exclude all conceit of relation that *cestuy que use* shall not come in: as from the time of the first feoffments to use, as Brudnell's

conceit was in 14 H. VIII. That is, the feoffee had granted a rent charge, and *cestuy que use* had made a feoffment in fee, by the statute of 1 R. III. the feoffee should have held it discharged, because the act of *cestuy que use* shall put the feoffee in, as if *cestuy que use* had been seised in from the time of the first use limited; and, therefore, the statute doth take away all such ambiguities, and expresseth that *cestuy que use* shall be in possession from henceforth; that is, from the time of the Parliament for uses then in being, and from the time of the execution for uses limited after the Parliament.

The third material words are, lawful seisin, state, and possession, not a possession in law only, but a seisin in fact; not a title to enter into the land, but an actual estate.

The fourth words are, of and in such estates as they had in the use; that is to say, like estates, fee-simple, fee-tail, for life, for years at will, in possession, and reversion, which are the substantial differences of estates, as was expounded by the branch of the fiction of the statute which follows.

This branch of fiction hath three material words or clauses: the first material clause is, that the estate, right, title, and possession that was in such person, &c., shall be in *cestuy que use*; for that the matter and substance of the estate of *cesty que use* is the estate of the feoffee, and more he cannot have; so as if the use were limited to *cestuy que use* and his heirs, and the estate out of which it was limited was but an estate for life, *cestuy que use* can have no inheritance: so if, when the statute came, the heir of the feoffee had not entered after the death of his ancestor, but had only a possession in law, *cestuy que use* in that case should not bring an assize before entry, because the heir of the feoffee could not; so that the matter whereupon the use might work is the feoffee's estate. But note here: whereas before, when the statute speaks of the uses, it spake only of uses in possession, remainder and reverter, and not in title or right: now, when the statute speaks what shall be taken from the feoffee, it speaks of title and right: so that the statute takes more from the feoffee than it executes presently, in cases where there are uses in contingence which are but titles.

Dy. 310
Haiy v. R-Poll
1 And. 331, 332.
Rucker v. Neile, 2 Mod. 751
Shortridge v. Lamplugh. Salk. 678.

The second word is clearly, which seems properly and directly to meet with the conceit of *scintilla juris*, as well as the words in the preamble of extirpating and extinguishing such feoffments, so as their estate is clearly extinct.

The third material clause is, after such quality, manners, form, and condition as they had in the use, so as now as the feoffee's estate gives matter, so the use gives form: and as in the first clause the use was endowed with the possession in points of estate, so there it is endowed with the possession in all accidents and circumstances of estate. Wherein first note, that it is gross and absurd to expound the form of the use any whit to destroy the substance of the estate; as to make a doubt, because the use gave no dower or tenancy by the courtesy, that therefore the possession when it is transferred would do so likewise: no, but the statute meant such quality, manner, form, and condition, as it is not repugnant to the corporal presence and possession of the estate.

Next, for the word condition, I do not hold it to be put in for uses upon condition, though it be also comprised within the general words; but because I would have things stood upon learnedly, and according to the true sense, I hold it but for an explaining, or word of the effect; as it is in the statute of 26 of treasons, where it is said, that the offenders shall be attainted of the overt fact by men of their condition, in this place, that is to say, of their degree and sort: and so the word condition in this place is no more, but in like quality, manner, form, and degree, or sort; so as all these words amount but *modo et forma*. Hence, therefore, all circumstances of estate are comprehended as sole seisin, or jointly seisin, by intierties, or by moieties, a circumstance of estate to have age as coming in by descent, or not age as purchaser; a circumstance of estate descendible to the heir of the part of the father, or of the part of the mother; a circumstance of estate conditional or absolute, remitted or not remitted, with a condition of intermarriage or without. All these are accidents and circumstances of estate, in all which the possession shall ensue the nature and quality of the use: and thus much of the first case, which is the general case.

26 Hen. 8. 13.

The second case.

The second case of the joint feoffees needs no exposition; for it pursueth the penning of the general case: only this I will note, that although it had been omitted, yet the law upon the first case would have been taken as the case provided: so that it is rather an explanation than an addition; for turn that case the other way, that one were enfeoffed to the use of himself, and others as that case is, that divers were infeoffed to the use of one of them, I hold the law to be, that in the former case they shall be seised jointly; and so in the latter case *cestuy que use* shall be seised solely; for the word other, it shall be qualified by construction of cases, as shall appear when I come to my division. But because this case of co-feoffees to the use of one of them was a general case in the realm, therefore they foresaw it and passed over the case *e converso*, which was but an especial case: and they were loath to bring in this case, by inserting the word only into the first case, to have penned it to the use only of other persons: for they had experience what doubt the word only

bred upon the statute of 1 R. III. after this third case: and before the third case of rents comes in the second saving; and the reason of it is worth the noting, why the savings are interlaced before the third case; the reason of it is, because the third case needeth no saving, and the first two cases did need saving; and that is the reason of that again.

It is a general ground, that where an act of Parliament is donor, if it be penned with an *ac si*, it is not a saving, for it is a special gift, and not a general gift, which includes all rights; and, therefore, in 11 H. VII., where, upon the alienation of women, the statute entitles the heir of him in remainder to enter, you find never a stranger, because the statute gives entry not *simpliciter*, but within an *ac si*; as if no alienation had been made, or if the feme had been naturally dead. Strangers that had right might have entered; and therefore no saving needs. So in the statute of 32 of leases, the statute enacts, that the leases shall be good and effectual in law, as if the lessor had been seised of a good and perfect estate in fee-simple; and therefore you find no saving in the statute; and so likewise of divers other statutes, where the statute doth make a gift or title good specially against certain persons, there needs no saving, except it be to exempt some of those persons, as in the statute of 1 R. III. Now, to apply this to the case of rents, which is penned with an *ac si*, namely, as if a sufficient grant or other lawful conveyance had been made, or executed by such as were seised; why, if such a grant of a rent had been made, one that had an ancient right might have entered and have avoided the charge; and therefore no saving needeth: but the second and first cases are not penned with an *ac si*, but absolute, that *cestuy que use* shall be adjudged in estate and possession, which is a judgment of Parliament stronger than any fine, to bind all rights; nay, it hath farther words, namely, in lawful estate and possession, which maketh that the stronger than any in the first clause. For if the words only had stood upon the second clause, namely, that the estate of the feoffee should be in *cestuy que use*, then perhaps the gift should have been special, and so the saving superfluous: and this note is very material in regard of the great question, whether the feoffees may make any regress; which opinion, I mean, that no regress is left unto them, is principally to be argued out of the saving; as shall be now declared: for the savings are two in number: the first saveth all strangers' rights, with an exception of the feoffee's; the second is a saving out of the exception of the first saving, namely, of the feoffees' in case where they claim to their own proper use: it had been easy in the first saving out of the statute, other than such persons as are seised, or hereafter should be seised to any use, to have added to these words, executed by this statute; or in the second saving to have added unto the words, claiming to their proper use, these words, or to the use of any other, and executed by this statute: but the regress of the feoffee is shut out between the two savings; for it is the right of a person claiming to a use, and not unto his own proper use: but it is to be added, that the first saving is not to be understood as the letter implieth, that feoffees to use shall be barred of their regress, in case that it be of another feoffment than that whereupon the statute hath wrought, but upon the same feoffment; as if the feoffee before the statute had been disseised, and the disseised had made a feoffment in fee to I. D. his use, and then the statute came; this executeth the use of the second feoffment; but yet the first feoffees may make a regress, and they yet claim to a use, but not by that feoffment upon which the statute hath wrought.

Now followeth the third case of the statute, touching execution of rents; wherein the material words are four:

Boscawen & al. v. Cooke. 1 Mod. 223.

First, whereas divers persons are seised, which hath bred a doubt that it should only go to rents in use at the time of the statute; but it is explained in the clause following, namely, as if a grant had been made to them by such as are or shall be seised.

The second word is profit; for in the putting of the case, the statute speaketh of a rent; but after in the purview is added these words, or profit.

The third word is, *ac si*, *scilicet*, that they shall have the rent as if a sufficient grant or other lawful conveyance had been made and executed unto them.

The fourth words are, the words of liberty or remedies attending upon such rent, *scilicet*, that he shall distrain, &c., and have such suits, entries, and remedies, relying again with an *ac si*, as if the grant had been made with such collateral penalties and advantages.

Now for the provisos; the makers of this law did so abound with policy and discerning, as they did not only foresee such mischiefs as were incident to this new law immediately, but likewise such as were consequent in a remote degree; and, therefore, besides the express provisos, they did add three new provisos, which are in themselves subtractive laws: for, foreseeing that by the execution of uses, wills formerly made should be overthrown; they made an ordinance for wills. Foreseeing, likewise, that by execution of uses women should be doubly advanced; they made an ordinance for dowers and jointures. Foreseeing, again, that the execution of use would make frank-tenement pass by contracts parole, they made an ordinance for enrolments of bargains and sales. The two

2 Inst. 672. Beny v. Bowes. 1 Ventr. 361.

former they inserted into this law, and the third they distinguished into a law apart, but without any preamble as may appear, being but a proviso to this statute. Besides all these provisional laws; and besides five provisos, whereof three attend upon the law of jointure, and two born in Wales, which are not material to the purpose in hand; there are six provisos, which are natural and true members and limbs of the statute, whereof four concern the part of *cestuy que use*, and two concern the part of the feoffees. The four which concern the part of *cestuy que use*, tend all to save him from prejudice by the execution of the estate.

The first saveth him from the extinguishment of any statute or recognisance, as if a man had an extent of a hundred acres, and a use of the inheritance of one; now, the statute, executing the possession to that one, would have extinguished his extent being entire in all the rest; or as if the conuzee of a statute having ten acres liable to the statute, had made a feoffment in fee to a stranger of two, and after had made a feoffment in fee to the use of the conuzee and his heirs. And upon this proviso there arise three questions:

First, whether this proviso were not superfluous, in regard that *cestuy que use* was comprehended in the general saving, though the feoffees be excluded?

Secondly, whether this proviso doth save statutes or executions, with an apportionment, or entire?

Thirdly, because it is penned indefinitely in point of time, whether it shall go to uses limited after the statute, as well as to those that were in being at the time of the statute; which doubt is rather enforced by this reason, because there was for* uses at the time of the statute; for that the execution of the statute might be waved; but both possession and use, since the statute may be waved.

The second proviso saveth *cestuy que use* from the charge of *primer seisin*, *liveries*, *ouster les maines*, and such other duties to the king, with an express limitation of time, that he shall be discharged from the time past, and charged for the time to come to the king, namely, May, 1536, to be *communis terminus*.

The third proviso doth the like for fines, reliefs, and herriots, discharging them from the time past, and speaking nothing of the time to come.

The fourth proviso giveth to *cestuy que use* all collateral benefits of vouchers, aid-priers, actions of waste, trespass, conditions broken, and which the feoffees might have had; and this is expressly limited for estates executed before May 1, 1536. And this proviso giveth occasion to intend that none of these benefits would have been carried to *cestuy que use*, by the general words in the body of the law, *scilicet*, that the feoffee's estate, right, title, and possession, &c.

For the two provisos on the part of the tertenant, they both concern the saving of strangers from prejudice, &c.

The first saves actions depending against the feoffees, and that they shall not abate. (Cheney's case. Moor, 198.)

The second saves wardships, liveries, and *ouster les maines*, whereof title was vested in regard of the heir of the feoffee, and this in case of the king only.

What persons may be seised to a use, and what not.
What persons may be cestuy que use, *and what not.*
What persons may declare a use, and what not.

Though I have opened the statute in order of words, yet I will make my division in order of matter, namely, (Of the estate of the assurance of this realm at this day upon uses. First, the raising of uses.)

1. The raising of uses.
2. The interruption of uses.
3. The executing of uses.

Again, the raising of uses doth easily divide itself into three parts. 1. The persons that are actors to the conveyance to use. 2. The use itself. 3. The form of the conveyance.

Then it is first to be seen what persons may be seised to a use, and what not; and what persons may be *cestuy que use*, and what not; and what persons may declare a use, and what not.

The king cannot be seised to a use; no, not where he taketh in his natural body, and to some purpose as a common person; and, therefore, if land be given to the king and I. D. *pour terme de leur vies*, this use is void for a moiety. (1. What persons may be seised to a use.)

Like law is, if the king be seised of land in the right of his duchy of Lancaster, and covenanteth by his letters patents under the duchy seal to stand seised to the use of his son, nothing passeth.

Like law, if King R. III. who was feoffee to diverse uses before he took upon him the crown, had, after he was king, by his letters patents granted the land over, the uses had not been renewed.

The queen, not speaking of an imperial queen by marriage, cannot be seised to a use, though she be a body enabled to grant and purchase without the king; yet, in regard of the government and interest the king hath in her possession, she cannot be seised to a use.

A corporation cannot be seised to a use, because their capacity is to a use certain; again, because they cannot execute an estate without doing wrong to their corporation or founder; but chiefly because of the letter of this statute, which, in any clause when it speaketh of the feoffee, resteth only upon the word person, but when it speaketh of *cestuy que use*, it addeth person or body politic.

* The text here is manifestly corrupted, nor does any probable conjecture occur for its amendment.

If a bishop bargain and sell lands whereof he is seised in the right of his see, this is good during his life; otherwise, it is where a bishop is infeoffed to him and his successors, to the use of I. D. and his heirs, that is not good, no, not for the bishop's life, but the use is merely void.

Vide contra. Cooper v. Franklyn. Cro. Jac. 401.

Contrary law of tenant in tail; for, if I give land by tail in deed, since the statute, to A., to the use of B. and his heirs; B. hath a fee-simple determinable upon the death of A. without issue. And like law, though doubtful before the statute was; for the chief reason which bred the doubt before the statute, was because tenant in tail could not execute an estate without wrong; but that since the statute is quite taken away, because the statute saveth no right of entail, as the statute of 1 R. III. did; and that reason likewise might have been answered before the statute, in regard of the common recovery.

A feme covert and an infant, though under years of discretion, may be seised to a use; for as well as land might descend to them from a feoffee to use, so may they originally be infeoffed to a use; yet, if it be before the statute, and they had, upon a *subpœna* brought, executed their estate during the coverture or infancy, they might have defeated the same; and then they should have been seised again to the use, and not to their own use; but since the statute, no right is saved unto them.

If a feme covert or an infant be infeoffed to a use present since the statute, the infant or baron come too late to discharge or root up the feoffment; but if an infant be infeoffed to the use of himself and his heirs, and I. D. pay such a sum of money to the use of I. G. and his heirs, the infant may disagree and overthrow the contingent use.

Contrary law, if the infant be infeoffed to the use of himself for life, the remainder to the use of I. S. and his heirs, he may disagree to the feoffment as to his own estate, but not to divest the remainder, but it shall remain to the benefit of him in remainder.

And yet, if an attainted person be infeoffed to a use, the king's title, after office found, shall prevent the use, and relate above it; but until office, the *cestuy que use* is seised of the land.

Like law of an alien; for if land be given to an alien to a use, the use is not void *ab initio*, yet neither alien or attainted person can maintain an action to defend the land.

The king's villain, if he be infeoffed to a use, the king's title shall relate above the use; otherwise, in case of a common person.

But if the lord be infeoffed to the use of his villain, the use neither riseth, but the lord is in by the common law, and not by the statute discharged of the use.

But if the husband be infeoffed to the use of his wife for years, if he die, the wife shall have the term, and it shall not inure by way of discharge, although the husband may dispose of the wife's term.

So if the lord of whom the land is held be infeoffed to the use of a person attainted, the lord shall not hold by way of discharge of the use, because of the king's title, *annum, diem et vastum.*

A person uncertain is not within the statute, nor any estate *in nubibus* or suspense executed; as if I give land to I. S. the remainder to the right heirs of I. D. to the use of I. N. and his heirs, I. N. is not seised of the fee-simple of an estate *pour vie* of I. S. till I. D. be dead, and then in fee-simple.

Like law, if, before the statute, I give land to I. S. *pour autre vie* to a use, and I. S. dieth, living *cestuy que use*, whereby the freehold is in suspense, the statute cometh, and no occupant entereth: the use is not executed out of the freehold in suspense for the occupant, the disseisor, the lord by escheat. The feoffee upon consideration, not having notice, and all other persons which shall be seised to use, not in regard of their persons but of their title; I refer them to my division touching disturbance and interruption of uses.

2. What person may be a *cestuy que use*.

It followeth now to see what person may be a *cestuy que use*. The king may be *cestuy que use*; but it behoveth both the declaration of the use, and the conveyance itself, to be matter of record, because the king's title is compounded of both; I say, not appearing of record, but by conveyance of record. And, therefore, if I covenant with I. S. to levy a fine to him to the king's use, which I do accordingly; and this deed of covenant be not enrolled, and the deed be found by office, the use vesteth not. *E converso*, if enrolled. If I covenant with I. S. to infeoff him to the king's use, and the deed be enrolled, and the feoffment also be found by office, the use vesteth.

But if I levy a fine, or suffer a recovery to the king's use, and declare the use by deed of covenant enrolled, though the king be not party, yet it is good enough.

A corporation may take a use, and yet it is not material whether the feoffment or the declaration be by deed; but I may infeoff I. S. to the use of a corporation, and this use may be averred.

Of a use to a person uncertain.

A use to a person uncertain is not void in the first limitation, but executeth not till the person be in esse; so that this is positive, that a use shall never be in abeyance as a remainder may be, but ever in a person certain upon the words of the statute, and the estate of the feoffees shall be in him or them which have the use. The reason is, because no confidence can be reposed in a person unknown and uncertain; and, therefore, if I make a feoffment to the use of I. S. for life, and then to the use of the right heirs of I. D., the remainder is not in abeyance, but the reversion is in the feoffor,

quousque. So that upon the matter all persons uncertain in use are like conditions or limitations precedent.

Like law, if I infeoff one to the use of I. S. for years, the remainder to the right heirs of I. D. this is not executed in abeyance, and therefore not void.

Like law, if I make a feoffment to the use of my wife that shall be, or to such persons as I shall maintain, though I limit no particular estate at all; yet the use is good, and shall in the interim return to the feoffor.

Purefoy v. Rogers 2 Saund. 380. Chudleigh's case. 1 Rep. 129, 138. 2 Sid. 64, 129. 157 Heyne's v. Villiers. Bidford's case. 2 Ro. Abr. 791. Mo. 720. Badger Lloyd. Salk. 224, ib. 232, Scattergood v. Edge. ib. 229. Goodright v. Hornish, ib. 226. Davis v. Speed, ib. 675. Sir Ed. Lloyd v. Carew. Prec. in Chan. 71. Mo. 506. Ld. Buckhurst's case. Yelv. 37. Machell v. Clerk. Salk. 619. 7 Rep. 14.

Contrary law, if I once limit the whole fee-simple of the use out of me, and part thereof to a person uncertain, it shall never return to the feoffor by way of fraction of the use; but look how it should have gone unto the feoffor; if I begin with a contingent use, so it shall go to the remainder; if I entail a contingent use, both estates are alike subject to the contingent use when it falleth; as when I make a feoffment in fee to the use of my wife for life, the remainder to my first begotten son; I having no son at that time, the remainder to my brother and his heirs: if my wife die before I have any son, the use shall not be in me, but in my brother. And yet if I marry again, and have a son, it shall divest from my brother, and be in my son, which is the skipping they talk so much of.

So if I limit a use jointly to two persons, not in esse, and the one cometh to be in esse, he shall take the entire use; and yet if the other afterward come in esse, he shall take jointly with the former; as if I make a feoffment to the use of my wife that shall be, and my first begotten son for their lives, and I marry; my wife taketh the whole use, and if I afterwards have a son, he taketh jointly with my wife.

But yet where words of abeyance work to an estate executed in course of possession, it shall do the like in uses; as if I infeoff A. to the use of B. for life, the remainder to C. for life, the remainder to the right heirs of B. this is a good remainder executed.

So if I infeoff A. to the use of his right heirs, A. is in the fee-simple, not by the statute, but by the common law.

Now are we to examine a special point of the disability of persons as take by the statute: and that upon the words of the statute, where divers persons are seised to the use of other persons; so that by the letter of the statute, no use is contained: but where the feoffor is one, and *cestuy que use* is another.

Therefore it is to be seen in what cases the same persons shall be both seised to the use and *cestuy que use*, and yet in by the statute; and in what cases they shall be diverse persons, and yet in by the common law wherein I observe unto you three things: First, that the letter is full in the point. Secondly, that it is strongly urged by the clause of joint estates following. Thirdly, that the whole scope of the statute was to remit the common law, and never to intermeddle where the common law executed an estate; therefore the statute ought to be expounded, that where the party seised to the use, and the *cestuy que use* is one person, he never taketh by the statute, except there be a direct impossibility or impertinency for the use, to take effect by the common law.

As if I give land to I. S. to the use of himself and his heirs, and if I. D. pay a sum of money, then to the use of I. D. and his heirs, I. S. is in by the common law, and not by the statutes.

Like law is, if I give lands to I. S. and his heirs, to the use of himself for life or for years, and then to the use of I. D. and his heirs, I. S. is in of an estate for life, or for years, by way of abridgment of estate in course of possession, and I. D. in of the fee-simple by the statute.

So if I bargain and sell my land after seven years, the inheritance of the use only passeth; and there remains an estate for years by a kind of subtraction of the inheritance or reoccupier of my estate, but merely at the common law.

3. Contr. the fee simple remains, per Ld. C. J. Hale, in Weale v. Lower, Poll. 65, 66. and Gilb. v. infra. 2 Raym. 866.

But if I infeoff I. S. to the use of himself in tail, and then to the use of I. D. in fee, or covenant to stand seised to the use of myself in tail, and then to the use of my wife in fee; in both these cases the estate tail is executed by this statute: because an estate tail cannot be reoccupied out of a fee-simple, being a new estate, and not like a particular estate for life or years, which are but portions of the absolute fee; and, therefore, if I bargain and sell my land to I. S. after my death without issue, it doth not leave an estate tail in me, nor vesteth any present fee in the bargain, but is a use expectant.

See Mr. Sugden's remarks in Gilb. V. & T. ed. Sugd. 169. Ans. 17. 1 And. 323.

So if I infeoff I. S. to the use of I. D. for life, and then to the use of himself and his heirs, he is in of the fee-simple merely in course of possession, and as of a reversion, and not of a remainder.

Contrary law, if I infeoff I. S. to the use of I. D. for life, then to the use of himself for life, the remainder to the use of I. N. in fee: now the law will not admit fraction of estates; but I. S. is in with the rest by the statute.

So if I infeoff I. S. to the use of himself and a stranger, they shall be both in by the statute, because they could not take jointly, taking by several titles.

Gilb. Us. 72. ed. Sugd. 132.

Like law, if I infeoff a bishop and his heirs to the use of himself and his successors, he is in by the statute in the right of his see.

And as I cannot raise a present use to one out

of his own seisin; so if I limit a contingent or future use to one being at the time of limitation not seised, but after become seised at the time of the execution of the contingent use, there is the same reason and the same law, and upon the same difference which I have put before.

As if I covenant with my son, that, after his marriage, I will stand seised of land to the use of himself and his heirs; and, before marriage, I infeoff him to the use of himself and his heirs, and then he marrieth; he is in by the common law, and not by the statute; like law of a bargain and sale.

But if I had let to him for life only, then he should have been in for life only by the common law, and of the fee-simple by the statute. Now let me advise you of this, that it is only a matter of subtilty or conceit to take the law right, when a man cometh in by the law in course of possession, and where he cometh in by the statute in course of possession; but it is natural for the deciding of many causes and questions, as for warranties, actions, conditions, waivers, suspensions, and divers other provisos.

This learning material for deciding many questions.

For example; a man's farmer committed waste: after he in reversion covenanteth to stand seised to the use of his wife for life, and after to the use of himself and his heirs; his wife dies; if he be in of his fee untouched, he shall punish the waste; if he be in by the statute, he shall not punish it.

So if I be infeoffed with warranty, and I covenant with my son to stand seised to the use of myself for life, and after to him and his heirs; if I be in by the statute, it is clear my warranty is gone; but if I be in by the common law, it is doubtful.

So if I have an eigne right, and be infeoffed to the use of I. S. for life, then to the use of myself for life, then to the use of I. D. in fee, I. S. dieth. If I be in by the common law, I cannot waive my estate, having agreed to the feoffment; but if I am in by the statute, yet I am not remitted, because I come in by my own act: but I may waive my use, and bring an action presently; for my right is saved unto me by one of the savings in the statute.

Where there is a seisin to the use of another, and yet it is out of the statute.

Now on the other side it is to be seen, where is a seisin to the use of another person; and yet it is out of the statute which is in special cases upon the ground, wheresoever *cestuy que use* had remedy for the possession by course of common law, there the statute never worketh; and therefore if a disseisin were committed to a use, it is in him by the common law upon agreement. So if one enter as occupant to the use of another, it is in him till disagreement.

So if a feme infeoff a man, *causa matrimonii praelocuti*, she hath remedy for the land again by course of the law; and, therefore, in those special cases the statute worketh not; and yet the words of the statute are general, where any person stands seised by force of any fine, recovery, feoffment, bargain and sale, agreement or otherwise; but yet the feme is to be restrained for the reason aforesaid.

What persons may limit and declare a use.

It remaineth to show what persons may limit and declare a use: wherein we must distinguish; for there are two kinds of declarations of uses, the one of a present use upon the first conveyance, the other upon a power of revocation or new declaration; the latter of which I refer to the division of revocation: now for the former.

The king upon his letters patent may declare a use, though the patent itself implieth a use, if none be declared.

If the king gives lands by his letters patent to I. S. and his heirs, to the use of I. S. for life, the king hath the inheritance of the use by implication of the patent, and no office needeth; for implication out of matter of record amounteth ever to matter of record.

If the queen give land to I. S. and his heirs to the use of the churchwardens of the church of Dale, the patentee is seised to his own use, upon that confidence or intent; but if a common person had given land in that manner, the use had been void by the statute of 23 H. VIII., and the use had returned to the feoffor and his heirs. A corporation may take a use without deed, as hath been said before; but can limit no use without deed.

An infant may limit a use upon a feoffment, fine, or recovery, and he cannot countermand or avoid the use, except he avoid the conveyance: contrary, if an infant covenant in consideration of blood or marriage to stand seised to a use, the use is merely void.

If an infant bargain and sell his land for money, for commons or teaching, it is good with averment; if for money, otherwise; if it be proved it is avoidable; for money recited and not paid, it is void; and yet in the case of a man of full age the recital sufficeth.

Vid. A Beckwith's case, de eod. matter, fol. 57.

If baron and feme be seised in the right of the feme, or by joint purchase during the coverture, and they join in a fine, the baron cannot declare the use for longer time than the coverture, and the feme cannot declare alone; but the use goeth, according to the limitation of law, unto the feme and her heirs; but they may both join in declaration of the use in fee; and if they sever, then it is good for so much of the inheritance as they concurred in; for the law accounteth all one, as if they joined; as if the baron and feme declare a use to I. S. and his heirs, and the feme another to I. D. for life, and then to I. S. and his heirs, the use is good to I. S. in fee.

See Gilb. Us. ed. Sugd. 448, 449.

And if upon examination the feme will declare the use to the judge, and her husband agree not to it, it is void, and the baron's use is only good; the rest of the use goeth according to the limitation of law.

THE OFFICE OF CONSTABLES,

ORIGINAL AND USE OF

COURTS LEET, SHERIFF'S TURN, ETC.,

WITH

THE ANSWERS TO THE QUESTIONS PROPOUNDED

BY SIR ALEXANDER HAY, KNIGHT, TOUCHING THE OFFICE OF CONSTABLES. A. D. 1608.

---

1. *Question.* WHAT is the original of constables?

Answer. To the first question of the original of constables it may be said, *caput inter nubila condit*; for the authority was granted upon the ancient laws and customs of this kingdom practised long before the conquest, and intended and executed for conservation of peace, and repression of all manner of disturbance and hurt of the people, and that as well by way of prevention as punishment; but yet so, as they have no judicial power, to hear and determine any cause, but only a ministerial power, as in the answer to the seventh article is demonstrated.

As for the office of high or head constable, the original of that is yet more obscure; for though the high constable's authority hath the more ample circuit, he being over the hundred, and the petty constable over the village; yet I do not find that the petty constable is subordinate to the high constable, or to be ordered or commanded by him; and therefore, I doubt, the high constable was not *ab origine*; but that when the business of the county increased, the authority of justices of peace was enlarged by divers statutes, and then, for conveniency sake, the office of high constable grew in use for the receiving of the commandments and prescripts from the justices of peace, and distributing them to the petty constables: and in token of this, the election of high constable in most parts of the kingdom is by the appointment of the justices of the peace, whereas, the election of the petty constable is by the people.

But there are two things unto which the office of constables hath special reference, and which, of necessity, or at least a kind of congruity, must precede the jurisdiction of that office; either the things themselves, or something that hath a similitude or analogy towards them.

1. The division of the territory, or gross of the shires, into hundreds, villages, and towns; for the high constable is officer over the hundred, and the petty constable is over the town or village.

2. The court-leet, unto which the constable is attendant and minister; for there the constables are chosen by the jury, there sworn, and there that part of their office which concerneth information is principally to be performed: for the jury being to present offences and offenders, are chiefly to take light from the constable of all matters of disturbance and nuisance of the people: which they, in respect of their office, are presumed to have best and most particular knowledge of.

The jurisdiction of the court-leet is to three ends.

1. To take the ancient oath of allegiance of all males above twelve years.

2. To inquire of all offences against the peace; and for those that are against the crown and peace of both, to inquire of only, and certify to the justices of jail delivery; but those that are against the peace simply, they are to inquire of and punish.

3. To inquire of, punish, and remove all public nuisances and grievances concerning infection of air, corruption of victuals, ease of chaffer, and contract of all other things that may hurt or grieve the people in general, in their health, quiet, and welfare.

And to these three ends, as matters of policy subordinate, the court-leet hath power to call upon the pledges that are to be taken of the good behaviour of the resiants that are not tenants, and to inquire of all defaults of officers, as constables, ale-tasters, and the like: and likewise for the choice of constables, as was said.

The jurisdiction of these leets is either remaining in the king, and in that case exercised by the sheriff in his turn, which is the grand leet, or granted over to subjects; but yet it is still the king's court.

2. *Question.* Concerning the election of constables?

Answer. The election of the petty constable, as was said, is at the court-leet by the inquest that make the presentments; and election of head constables is by the justices of the peace at their quarter sessions.

3. *Question.* How long is their office?

Answer. The office of constable is annual, except they be removed.

4. *Question.* Of what rank or order of men are they?

Answer. They be men, as it is now used, of inferior, yea, of base condition, which is a mere abuse or degenerating from the first institution; for the petty constables in towns ought to be of the better sort of resiants in the same; save that they be not aged or sickly, but of able bodies in respect of keeping watch and toil of their place; nor must they be in any man's livery. The high constables ought to be of the ablest freeholders, and substantialest sort of yeomen, next to the degree of gentlemen; but should not be incumbered with any other office, as mayor of a town, under-sheriff, bailiff, &c.

5. *Question.* What allowance have the constables?

Answer. They have no allowance, but are bound by duty to perform their office gratis; which may the rather be endured because it is but annual, and they are not tied to keep or maintain any servants or under-ministers, for that every one of the king's people within their limits are bound to assist them.

6. *Question.* What if they refuse to do their office?

Answer. Upon complaint made of their refusal to any one justice of peace, the said justice may bind them over to the sessions, where, if they cannot excuse themselves by some allegation that is just, they may be fined and imprisoned for their contempt.

7. *Question.* What is their authority or power?

Answer. The authority of the constable, as it is substantive, and of itself, or substituted, and astricted to the warrants and commands of the justices of the peace; so again it is original, or additional: for either it was given them by the common law, or else annexed by divers statutes. And as for subordinate power, wherein the constable is only to execute the commands of the justices of peace, likewise the additional power which is given by divers statutes, it is hard to comprehend in any brevity; for that they do correspond to the office and authority of justices of peace, which is very large, and are created by the branches of several statutes: but for the original and substantive power of constables, it may be reduced to three heads; namely,

1. For matter of peace only.
2. For peace and the crown.
3. For matters of nuisance, disturbance, and disorder, although they be not accompanied with violence and breach of the peace.

First, for pacifying of quarrel begun, the constable may, upon hot words given, or likelihood of breach of the peace to ensue, command them in the king's name to keep peace, and depart, and forbear: and so he may, where an affray is made part of the same, and keep the parties asunder, and arrest and commit the breakers of the peace, if they will not obey; and call power to assist him for that purpose.

For punishment of breach of peace past, the law is very sparing in giving any authority to constables because they have not power judicial, and the use of his office is rather for preventing or staying of mischief, than for punishment of offences; for in that part he is rather to execute the warrants of the justices; or when sudden matter ariseth upon his view, or notorious circumstances, to apprehend offenders, and to carry them before the justices of peace, and generally to imprison in like cases of necessity, where the case will not endure the present carrying of the party before the justices. And so much for peace.

Secondly, for matters of the crown, the office of the constable consisteth chiefly in these four parts:

1. To arrest.
2. To make hue and cry.
3. To search.
4. To seize goods.

All which the constable may perform of his own authority, without any warrant from the justices of the peace.

1. For, first, if any man will lay murder or felony to another's charge, or do suspect him of murder or felony, he may declare it to the constable, and the constable ought, upon such declaration or complaint, to carry him before a justice of peace; and if by common voice or fame any man be suspected, the constable of duty ought to arrest him, and bring him before a justice of peace, though there be no other accusation or declaration.

2. If any house be suspected for receiving or harbouring of any felon, the constable, upon complaint or common fame, may search.

3. If any fly upon the felony, the constable ought to raise hue and cry.

4. And the constable ought to seize his goods, and keep them safe without impairing, and inventary them in presence of honest neighbours.

Thirdly, for matters of common nuisance and grievances, they are of very variable nature, according to the several comforts which man's life and society requireth, and the contraries which infest the same.

In all which, be it a matter of corrupting air, water, or victuals, stopping, straightening, or endangering of passages, or general deceits in

weights, measures, sizes, or counterfeiting wares, and things vendible; the office of constable is to give as much as in him lies, information of them, and of the offenders, in leets, that they may be presented; but because leets are kept but twice in the year, and many of those things require present and speedy remedy, the constable, in things notorious and of vulgar nature, ought to forbid and repress them in the mean time: if not, they are for their contempt to be fined and imprisoned, or both, by the justices in their sessions.

8. *Question.* What is their oath?

Answer. The manner of the oath they take is as followeth:

"You shall swear that you shall well and truly serve the king, and the lord of this law-day; and you shall cause the peace of our sovereign lord the king well and truly to be kept to your power: and you shall arrest all those that you see committing riots, debates, and affrays in breach of peace: and you shall well and truly endeavour yourself to your best knowledge, that the statute of Winchester for watching, hue and cry, and the statutes made for the punishment of sturdy beggars, vagabonds, rogues, and other idle persons coming within your office be truly executed and the offenders be punished: and you shall endeavour, upon complaint made, to apprehend barreters and riotous persons making affrays, and likewise to apprehend felons; and if any of them make resistance with force, and multitude of misdemeanours, you shall make outcry, and pursue them till they be taken; and shall look unto such persons as use unlawful games; and you shall have regard unto the maintenance of artillery; and you shall well and truly execute all process and precepts sent unto you from the justices of the peace of the county; and you shall make good and faithful presentments of all bloodsheds, outcries, affrays, and rescues made within your office: and you shall well and truly according to your own power and knowledge, do that which belongeth to your office of constable to do, for this year to come. So help," &c.

9. *Question.* What difference is there betwixt the high constables and petty constables?

Answer. Their authority is the same in substance, differing only in the extent; the petty constable serving only for one town, parish, or borough, the head constable for the whole hundred: nor is the petty constable subordinate to the head constable for any commandment that proceeds from his own authority; but it is used, that the precepts of the justices be delivered unto the high constables, who, being few in number, may better attend the justices, and then the head constables, by virtue thereof, make their precepts over to the petty constables.

10. *Question.* Whether a constable may appoint a deputy?

Answer. In case of necessity a constable may appoint a deputy, or in default thereof, the steward of the court-leet may; which deputy ought to be sworn before the said steward.

The constable's office consists in three things:

1. Conservation of the peace.
2. Serving precepts and warrants
3. Attendance for the execution of statutes.

Of the Jurisdiction of Justices itinerant in the Principality of Wales.

1. They have power to hear and determine all criminal causes, which are called, in the laws of England, pleas of the crown; and herein they have the same jurisdiction that the justices have in the court of the King's Bench.

2. They have power to hear and determine all civil causes, which in the laws of England are called common pleas, and to take knowledge of all fines levied of lands or hereditaments, without suing any *dedimus potestatem;* and herein they have the same jurisdiction that the justices of the Common Pleas do execute at Westminster.

3. They have power also to hear and determine all assizes upon disseisin of lands or hereditaments, wherein they equal the jurisdiction of the justices of assize.

4. Justices of oyer and terminer therein may hear all notable violences and outrages perpetrated within their several precincts in the said principality of Wales.

These officers are in the king's gift.

The prothonotary's office is to draw all pleadings, and entereth and engrosseth all the records and judgments in all trivial causes.

The clerk of the crown, his office is to draw and engross all proceedings, arraignments, and judgments in criminal causes.

These offices are in the judges' disposition.

The marshal's office is to attend the persons of the judges at their coming, sitting, and going from their sessions or court.

The crier is, *tanquam publicus præco,* to call for such persons whose appearances are necessary, and to impose silence to the people.

The Office of Justice of Peace.

The office of justice of peace.

There is a commission under the great seal of England to certain gentlemen, giving them power to preserve the peace, and to resist and punish all turbulent persons, whose misdemeanors may tend to the disquiet of the people; and these be called justices of the peace, and every of them may well and truly be called *eirenarcha.*

The chief of them is called *custos rotulorum,* in whose custody all the records of their proceedings are resident.

Others there are of that number called justices of peace and *quorum,* because in their commission they have power to sit and determine causes concerning breach of peace and misbeha-

viour. The words of their commission are conceived thus: *quorum* such and such, *unum vel duos*, &c., *esse volumus*; and without some one or more of the *quorum*, no sessions can be holden; and for the avoiding of a superfluous number of such justices, (for, through the ambition of many it is counted a credit to be burthened with that authority,) the statute of 38 H. VIII. hath expressly prohibited that there shall be but eight justices of the peace in every county. These justices hold their sessions quarterly.

Justice of peace appointed by the lord keeper.

In every shire where the commission of the peace is established, there is a clerk of the peace for the entering and engrossing of all proceedings before the said justices. And this officer is appointed by the *custos rotulorum*.

The Office of Sheriffs.

Every shire hath a sheriff, which word, being of the Saxon English, is as much as to say, shire-reeve, or minister of the county: his function or office is twofold, namely,

1. Ministerial.
2. Judicial.

34 H. 8. c. 16.

1. He is the minister and executioner of all the process and precepts of the courts of law, and therefore ought to make return and certificate.

2. The sheriff hath authority to hold two several courts of distinct natures: 1. The turn, because he keepeth his turn and circuit about the shire, holdeth the same court in several places, wherein he doth inquire of all offences perpetrated against the common law, and not forbidden by any statute or act of Parliament; and the jurisdiction of this court is derived from justice distributive, and is for criminal offences, and held twice every year.

The county court, wherein he doth determine all petty and small causes civil under the value of forty shillings, arising within the said county, and, therefore, it is called the county court.

The jurisdiction of this court is derived from justice commutative, and held every month. The office of the sheriff is annual, and in the king's gift, whereof he is to have a patent.

The Office of Escheator.

Every shire hath an officer called an escheator, which is to attend the king's revenue, and to seize into his majesty's hands all lands escheated, and goods or lands forfeited, and therefore is called escheator; and he is to inquire by good inquest of the death of the king's tenant, and to whom the lands are descended, and to seize their bodies and lands for ward, if they be within age, and is accountable for the same; he is named or appointed by the Lord Treasurer of England.

The Office of Coroner.

Two other officers there are in every county called coroners; and by their office they are to inquest in what manner, and by whom every person, dying of a violent death, came so to their death; and to enter the same of record; which is matter criminal, and a plea of the crown: and, therefore, they are called coroners, or crowners, as one hath written, because their inquiry ought to be in *corona populi*.

These officers are chosen by the freeholders of the shire, by virtue of a writ out of the chancery *de coronatore eligendo*: and of whom I need not to write more, because these officers are in use everywhere.

General Observations, touching Constables, Jailers, and Bailiffs.

Forasmuch as every shire is divided into hundreds, there are also by the statute of 34 H. VIII. cap. 26, ordered and appointed, that two sufficient gentlemen or yeomen shall be appointed constables of every hundred.

Also, there is in every shire a jail or prison appointed for the restraint of liberty of such persons as for their offences are thereunto committed, until they shall be delivered by course of law.

In every hundred of every shire the sheriff thereof shall nominate sufficient persons to be bailiffs of that hundred, and under-ministers of the sheriff; and they are to attend upon the justices in every of their courts and sessions.

Note. Archbishop Sancroft notes on this last chapter, written, say some, by Sir John Dodderidge, one of the justices of the King's Bench, 1608.

AN

ACCOUNT OF THE LATELY ERECTED SERVICE,

CALLED THE OFFICE OF

COMPOSITIONS FOR ALIENATIONS.

WRITTEN [ABOUT THE CLOSE OF 1598] BY MR. FRANCIS BACON,

AND PUBLISHED FROM A MS. IN THE INNER-TEMPLE LIBRARY.

The sundry sorts of the royal revenue.

ALL the finances or revenues of the imperial crown of this realm of England be either extraordinary or ordinary.

Those extraordinary be fifteenths and tenths, subsidies, loans, benevolences, aids, and such others of that kind, that have been or shall be invented for supportation of the charges of war; the which, as it is entertained by diet, so can it not be long maintained by the ordinary fiscal and receipt.

Of these that be ordinary, some are certain and standing, as the yearly rents of the demesne or lands; being either of the ancient possessions of the crown, or of the later augmentations of the same.

Likewise the fee-farms reserved upon charters granted to cities and towns corporate, and the blanch rents and lath silver answered by the sheriffs. The residue of these ordinary finances be casual, or uncertain, as be the escheats and forfeitures, the customs, butlerage, and impost, the advantages coming by the jurisdiction of the courts of record and clerks of the market, the temporalities of vacant bishoprics, the profits that grow by the tenures of lands, and such like, if there any be.

And albeit that both the one sort and other of these be at the last brought unto that office of her majesty's exchequer, which we, by a metaphor, do call the pipe, as the civilians do by a like translation mame it *fiscus*, a basket or bag, because the whole receipt is finally conveyed into it by the means of divers small pipes or quills, as it were water into a great head or cistern; yet, nevertheless, some of the same be first and immediately left in other several places and courts, from whence they are afterwards carried by silver streams, to make up that great lake, or sea, of money.

The pipe.

As for example, the profits of wards and their lands be answered into that court which is proper for them; and the fines for all original writs, and for causes that pass the great seal, were wont to be immediately paid into the hanaper of the chancery; howbeit, now of late years, all the sums which are due, either for any writ of covenant, or of other sort, whereupon a final concord is to be levied in the common bench, or for any writ of entry, whereupon a common recovery is to be suffered there; as also all sums demandable, either for license of alienation to be made of lands holden in chief, or for the pardon of any such alienation, already made without license, together with the mean profits that be forfeited for that offence and trespass, have been stayed in the way to the hanaper, and been let to farm, upon assurance of three hundred pounds of yearly standing profit, to be increased over and above that casual commodity, that was found to be answered in the hanaper for them, in the ten years, one with another, next before the making of the same lease.

The hanaper.

This office is derived out of the hanaper.

And yet so as that yearly rent of increase is now still paid into the hanaper by four gross portions, not altogether equal, in the four usual open terms of St. Michael, and St. Hilary, of Easter, and the Holy Trinity, even as the former casualty itself was wont to be, in parcel meal, brought in and answered there.

And now forasmuch as the only matter and subject about which this farmer or his deputies are employed, is to rate or compound the sums of money payable to her majesty, for the alienation of lands that are either made without license, or to be made by license, if they be holden in chief, or to pass for common recovery, or by final concord to be levied, though they be not so holden, their service may therefore very aptly and agreeably be termed the office of compositions for alienations. Whether the advancement of her majesty's commodity in this

The name of the office.

part of her prerogative, or the respect of private lucre, or both, were the first motives thus to dissever this member, and thereby as it were to mayhem the chancery, it is neither my part nor purpose to dispute.

The scope of the discourse, and the parts thereof.

But, for a full institution of the service as it now standeth, howsoever some men have not spared to speak hardly thereof, I hold worthy my labour to set down as followeth:

First, that these fines, exacted for such alienations, be not only of the greatest antiquity, but are also good and reasonable in themselves; secondly, that the modern and present exercise of this office is more commendable than was the former usage; and, lastly, that as her majesty hath received great profit thereby, so may she, by a moderate hand, from time to time reap the like, and that without just grief to any of her subjects.

The first part of this treatise.

As the lands that are to be aliened, be either immediately holden in chief, or not so holden of the queen, so be these fines or sums respectively of two sundry sorts; for upon each alienation of lands, immediately held of her majesty in chief, the fine is rated here, either upon the license, before the alienation is made, or else upon the pardon when it is made without license. But generally, for every final concord of lands to be levied upon a writ of covenant, *warrantia chartæ*, or other writ, upon which it may be orderly levied, the sum is rated here upon the original writ, whether the lands be held of the queen, or of any other person; if at the least the lands be of such value, as they may yield the due fine. And likewise for every writ of entry, whereupon a common recovery is to be suffered, the queen's fine is to be rated there upon the writ original, if the lands comprised therein be held of her by the tenure of her prerogative, that is to say, in chief, or of her royal person.

The king's tenant in chief could never alien without license.

So that I am hereby enforced, for avoiding of confusion, to speak severally, first of the fines for alienation of lands held in chief, and then of the fines upon the suing forth of writs original. That the king's tenant in chief could not in ancient time alien his tenancy without the king's license, it appeareth by the statute, 1 E. III. cap. 12, where it is thus written: "Whereas divers do complain that the lands holden of the king in chief, and aliened without license, have been seized into the king's hands for such alienation, and holden as forfeit: the king shall not hold them as forfeit in such a case, but granteth that, upon such alienations, there shall be reasonable fines taken in the chancery by due process.

1 E. III. c. 12.

So that it is hereby proved, that before this statute, the offence of such alienation, without license, was taken to be so great, that the tenant did forfeit the land thereby; and, consequently, that he found great favour there by this statute, to be reasonably fined for his trespass.

And although we read an opinion 20 lib. *Assis. parl.* 17, *et* 26, *Assis. parl.* 37, which also is repeated by Hankf. 14 H. IV. fol. 3, in which year Magna Charta was confirmed by him, the king's tenant in chief might as freely alien his lands without license, as might the tenant of any other lord; yet, forasmuch as it appeareth not by what statute the law was then changed, I had rather believe, with old Judge Thorpe and late Justice Stanford, that even at the common law, which is as much as to say, as from the beginning of our tenures, or from the beginning of the English monarchy, it was accounted an offence in the king's tenant in chief, to alien without the royal and express license.

And I am sure, that not only upon the entering, or recording, of such a fine for alienation, it is wont to be said *pro transgressione in hac parte facta*; but that you may also read amongst the records in the Tower, Fines 6 Hen. Reg. 3, Memb. 4, a precedent of a *capias in manum regis terras alienatas sine licentia regis*, and that, namely, of the manor of Coselescombe in Kent, whereof Robert Cesterton was then the king's tenant in chief. But were it that, as they say, this began first 20 H. III., yet it is above three hundred and sixty years old, and of equal, if not more antiquity than Magna Charta itself, and the rest of our most ancient laws; the which never found assurance by Parliament until the time of King Edward I., who may be therefore worthily called, our English Solon or Lycurgus.

The fine for alienation is moderate.

Now, therefore, to proceed to the reason and equity of exacting these fines for such alienations, it standeth thus: when the king, whom our law understandeth to have been at the first both the supreme lord of all the persons, and sole owner of all the lands within his dominions, did give lands to any subject to hold them of himself, as of his crown and royal diadem, he vouchsafed that favour upon a chosen and selected man, not minding that any other should, without his privity and good liking, be made owner of the same; and, therefore, his gift has this secret intention enclosed within it, that if his tenant and patentee shall dispose of the same without his kingly assent first obtained, the lands shall revert to the king, or to his successors, that first gave them. And that also was the very cause, as I take it, why they were anciently seized into the king's hands, as forfeited by such alienation, until the making of the said statute, 1 E. III., which did qualify that rigour of the former law.

Neither ought this to seem strange in the case of the king, when every common subject, being lord of lands which another holdeth of him, ought not only to have notice given unto him upon every alienation of his tenant, but shall, by the like im-

plied intention, re-have the lands of his tenants dying without heirs, though they were given out never so many years agone, and have passed through the hands of howsoever many and strange possessors.

Not without good warrant, therefore, said Mr. Fitzherbert, in his Nat. Brev. fol. 147, that the justices ought not wittingly to suffer any fine to be levied of lands holden in chief, without the king's license. And as this reason is good and forcible, so is the equity and moderation of the fine itself most open and apparent; for how easy a thing is it to redeem a forfeiture of the whole lands forever with the profits of one year, by the purchase of a pardon? Or otherwise, how tolerable is it to prevent the charge of that pardon, with the only cost of a third part thereof, timely and beforehand bestowed upon a license?

The antiquity and moderation of fines upon writs original.

Touching the king's fines accustomably paid for the purchasing of writs original, I find no certain beginning of them, and do therefore think that they also grew up with the chancery, which is the shop wherein they be forged; or, if you will, with the first ordinary jurisdiction and delivery of justice itself.

For, when, as the king had erected his courts of ordinary resort, for the help of his subjects in suit one against another, and was at the charge not only to wage justices and their ministers, but also to appoint places and officers for safe custody of the records that concerned not himself; by which means each man might boldly both crave and have law for the present, and find memorials also to maintain his right and recovery, forever after, to the singular benefit of himself and all his posterity; it was consonant to good reason, that the benefited subject should render some small portion of his gain, as well towards the maintenance of this his own so great commodity, as for the supportation of the king's expense, and the reward of the labour of them that were wholly employed for his profit.

Litt. 34 H. 6. fol. 38.

And therefore it was well said by Littleton, 34 H. VI. fol. 38, that the chancellor of England is not bound to make writs, without his due fee for the writing and seal of them. And that, in this part also, you may have assurance of good antiquity, it is extant among the records in the Tower, 2 H. III. Memb. 6, that Simon Hales and others gave unto him their king, *unum palfredum pro summonendo Richardo filio et hærede Willielmi de Hanred, quod teneat finem factum coram justiciariis apud Northampton inter dictum Willielmum et patrem dicti Arnoldi de feodo in Barton.* And besides that, *in oblatis de Ann.* 1, 2, and 7, *regis Johannis*, fines were diversely paid to the king, upon the purchasing writs of mort d'auncestor, dower, pone, to remove pleas, for inquisitions, trial by juries, writs of sundry summons, and other more.

Hereof then it is, that upon every writ procured for debt or damage, amounting to forty pounds or more, a noble, that is, six shillings and eight pence, is, and usually hath been paid to fine: and so for every hundred marks more a noble; and likewise upon every writ called a *præcipe* of lands, exceeding the yearly value of forty shillings, a noble is given to a fine; and for every other five marks by year, moreover another noble, as is set forth 20 R. II. abridged both by Justice Fitzherbert and Justice Brooke; and may also appear in the old *Natura Brevium*, and the Register, which have a proper writ of deceipt, formed upon the case, where a man did, in the name of another, purchase such a writ in the chancery without his knowledge and consent.

20 Rich. II.

And herein the writ of right is excepted, and passeth freely, not for fear of the words Magna Charta, *Nulli vendemus justitiam vel rectum*, as some do phantasy, but rather because it is rarely brought; and then also bought dearly enough without such a fine, for that the trial may be by battle, to the great hazard of the champion.

The like exemption hath the writ to inquire of a man's death, which also, by the twenty-sixth chapter of that Magna Charta, must be granted freely, and without giving any thing for it; which last I do rather note, because it may be well gathered thereby, that even then all those other writs did lawfully answer their due fines; for otherwise the like prohibition would have been published against them, as was in this case of the inquisition itself.

I see no need to maintain the mediocrity and easiness of this last sort of fine, which in lands exceedeth not the tenth part of one year's value, in goods the two hundredth part of the thing that is demanded by the writ.

Neither has this office of ours* originally to meddle with the fines of any other original writs, than of such only as whereupon a fine or concord may be had and levied; which is commonly the writ of covenant, and rarely any other. For we deal not with the fine of the writ of entry of lands holden in chief, as due upon the original writ itself; but only as payable in the nature of a license for the alienation, for which the third part of the yearly rent is answered; as the statute 32 H. VIII. cap. 1, hath specified, giving the direction for it; albeit now lately the writs of entry be made parcel of the parcel ferm also; and therefore I will here close up the first part, and unfold the second.

* Right, or some word of the like import, seems to be omitted here.

The second part of the treatise.

Before the institution of this ferm and office no writ of covenant for the levying any final concord, no writ of entry for the suffering of any common recovery of lands holden in chief, no docket for license to alien, nor warrant for pardon of alienation made, could be purchased and gotten without an oath

called an affidavit, therein first taken either before some justices of assize, or master of the chancery, for the true discovery of the yearly value of the lands comprised in every of the same; in which doing, if a man shall consider on the one side the care and severity of the law, that would not be satisfied without an oath; and, on the other side, the assurance of the truth to be had by so religious an affirmation as an oath is, he will easily believe that nothing could be added unto that order, either for the ready despatch of the subject, or for the uttermost advancement of the king's profit. But *quid verba audiam, cum facta videam?* Much peril to the swearer, and little good to our sovereign hath ensued thereof. For, on the one side, the justices of assize were many times abused by their clerks, that preferred the recognition of final concords taken in their circuit; and the masters of the chancery were often overtaken by the fraud of solicitors and attorneys, that followed their clients' causes here at Westminster; and, on the other side, light and lewd persons, especially, that the exactor of the oath did neither use exhortation, nor examining of them for taking thereof, were as easily suborned to make an affidavit for money, as post-horses and hackneys are taken to hire in Canterbury and Dover way; insomuch that it was usual for him that dwelt in Southwark, Shoreditch, or Tothill Street, to depose the yearly rent or valuation of lands lying in the north, the west, or other remote part of the realm, where either he never was at all, or whence he came so young, that little could he tell what the matter meaned. And thus *consuetudinem peccandi fecit multitudo peccantium.* For the removing of which corruption, and of some others whereof I have long since particularly heard, it was thought good that the justice of assize should be entreated to have a more vigilant eye upon their clerks' writing; and that one special master of the chancery should be appointed to reside in this office, and to take the oaths concerning the matters that come hither; who might not only reject such as for just causes were unmeet to be sworn, but might also instruct and admonish in the weight of an oath, those others that are fit to pass and perform it; and forasmuch as thereby it must needs fall out very often, that either there was no man ready and at hand that could, with knowledge and good conscience, undertake the oath, or else, that such honest persons as were present, and did right well know the yearly value of the lands, would rather choose and agree to pay a reasonable fine without any oath, than to adventure the uttermost, which, by the taking of their oath, must come to light and discovery. It was also provided, that the fermour, and the deputies, should have power to treat, compound, and agree with such, and so not exact any oath at all of them.

All fines upon oath.

How much this sort of finance hath been increased by this new device, I will reserve, as I have already plotted it, for the last part of this discourse: but in the mean while I am to note first, that the fear of common perjury, growing by a daily and over-usual acquaintance with an oath, by little and little raiseth out that most reverend and religious opinion thereof, which ought to be planted in our hearts, is hereby for a great part cut off and clean removed: then that the subject yieldeth little or nothing more now than he did before, considering that the money, which was wont to be saved by the former corrupt swearing, was not saved unto him, but lost to her majesty and him, and found only in the purse of the clerk, attorney, solicitor, or other follower of the suit; and, lastly, that the client, besides the benefit of retaining a good conscience in the passage of this his business, hath also this good assurance, that he is always a gainer, and by no means can be at any loss, as seeing well enough, that if the composition be over-hard and heavy for him, he may then, at his pleasure, relieve himself by recourse to his oath; which also is no more than the ancient law and custom of the realm hath required at his hands. And the selfsame thing is, moreover, that I may shortly deliver it by the way, not only a singular comfort to the executioners of this office, a pleasant seasoning of all the sour of their labour and pains, when they shall consider that they cannot be guilty of the doing of any oppression or wrong; but it is also a most necessary instruction and document for them, that even as her majesty hath made them dispensators of this her royal favour towards her people, so it behoveth them to show themselves *peregrinatores*, even and equal distributors of the same; and, as that most honourable lord and reverend sage counsellor, the late Lord Burleigh,* late lord treasurer, said to myself, to deal it out with wisdom and good dexterity towards all the sorts of her loving subjects.

* This passage ascertains the date of this writing.

But now that it may yet more particularly appear what is the sum of this new building, and by what joints and sinews the same is raised and knit together, I must let you know, that besides the fermour's deputies, which, at this day, be three in number, and besides the doctor of whom I spake, there is also a receiver, who alone handleth the moneys, and three clerks, that be employed severally, as anon you shall perceive; and by these persons the whole proceeding in this charge is thus performed.

The part of each officer.

If the recognition or acknowledgment of a final concord upon any writ of covenant finable, for so we call that which containeth lands above the yearly value of forty shillings, and all others we term unfinable, be taken by justice of assize, or by the chief justice of the Common Pleas, and the yearly value of those lands be also declared by affidavit made

Proceeding upon fines.

before the same justice; then is the recognition and value, signed with the handwriting of that justice, carried by the cursitor in chancery for that shire where those lands do lie, and by him is a writ of covenant thereupon drawn and engrossed in parchment; which, having the same value endorsed on the backside thereof, is brought, together with the same paper that doth warrant it, into this office; and there first the doctor, conferring together the paper and the writ, endorseth his name upon that writ, close underneath the value thereof; then, forasmuch as the valuation thereof is already made, that writ is delivered to the receiver, who taketh the sum of money that is due, after the rate of that yearly value, and endorseth the payment thereof upon the same writ accordingly: this done, the same writ is brought to the second clerk, who entereth it into a several book, kept only for final writs of covenant, together with the yearly value, and the rate of the money paid, with the name of the party that made the affidavit, and the justice that took it: and at the foot of that writ maketh a secret mark of his said entry: lastly, that writ is delivered to the deputies, who seeing that all the premises be orderly performed, do also endorse their own names upon the same writ, for testimony of the money received. Thus passeth it from this office to the *custos brevium*, from him to the queen's silver, then to the chirographer to be engrossed, and so to be proclaimed in the court. But if no affidavit be already made touching the value, then is the writ of covenant brought first to the deputies, ready drawn and engrossed; and then is the value made either by composition had with them without any oath, or else by oath taken before the doctor; if by composition, then one of the deputies setteth down the yearly value, so agreed upon, at the foot of the backside of the writ; which value the doctor causeth one of the clerks to write on the top of the backside of the writ, as the cursitor did in the former, and after that the doctor endorseth his own name underneath it, and so passeth it through the hands of the receiver, of the clerk that maketh the entry, and of the deputies, as the former writ did. But if the valuation be made by oath taken before the doctor, then causeth he the clerk to endorse that value accordingly, and then also subscribeth he his name as before; and so the writ taketh the same course through the office that the others had.

Proceeding upon writs of entry.

And this is the order for writs of covenant that be finable: the like whereof was at the first observed, in the passing of writs of entry of lands holden in chief; saving that they be entered into another book, especially appointed for them, and for licenses and pardons of alienations; and the like is now severally done with the writs of entry of lands not so holden: which writs of covenant or entry not finable, thus it is done: an affidavit is made either before some such justice, or before the said doctor, that the lands, comprised in the writ, be not worth above forty shillings by the year, to be taken. And albeit now here can be no composition, since the queen is to have no fine at all for unfinable writs, yet doth the doctor endorse his name, and cause the youngest, or third clerk, both to make entry of the writ into a third book, purposely kept for those only writs, and also to endorse it thus, *finis nullus*. That done, it receiveth the names of the deputies, endorsed as before, and so passeth hence to the *custos brevium* as the rest. Upon every docket for license of alienation, or warrant for pardon of alienation, the party is likewise at liberty either to compound with the deputies, or to make affidavit touching the yearly value; which being known once and set down, the doctor subscribeth his name, the receiver taketh the money after the due rate and proportion; the second clerk entereth the docket or warrant into the book that is proper for them, and for the writs of entry, with a notice also, whether it passeth by oath or by composition; then do the deputies sign it with their hands, and so it is conveyed to the deputy of Mr. Bacon, clerk of the licenses, whose charge it is to procure the hand of the lord chancellor, and consequently the great seal for every such license or pardon.

Proceeding upon forfeiture of mean profits.

There yet remaineth untouched the order that is for the mean profits; for which also there is an agreement made here when it is discovered that any alienation hath been made of lands holden in chief, without the queen's license; and albeit that in the other cases, one whole year's profit be commonly payable upon such a pardon, yet, where the alienation is made by devise in a last will only, the third part of these profits is there demandable, by special provision thereof made in the statute of 31 H. VIII. c. 5, but yet every way the yearly profits of the lands so aliened without license, and lost even from the time of the writ of *scire facias*, or inquisition thereupon returned into the Exchequer, until the time that the party shall come hither to sue forth his charter of pardon for that offence.

34 H. 8, c. 5.

In which part the subject hath in time gained double ease of two weighty burdens, that in former ages did grievously press him; the one before the institution of this office, and the other sithence; for in ancient time, and of right, as it is adjudged 46 E. III. Fitzh. *forfait* 18, the mean profits were precisely answered after the rate and proportion *per diem*, even from the time of the alienation made. Again, whereas, before the receipt of them in this office, they were assessed by the affidavit from the time of the inquisition found, or *scire facias* returned, now not so much at any time as the one-half, and many times not the sixth part of them is exacted. Here, therefore, above the rest, is great necessity to show favour

and merciful dealing; because it many times happeneth, that either through the remote dwelling of the party from the lands, or by the negligence or evil practice of under-sheriffs and their bailiffs, the owner hath incurred the forfeiture of eight or ten years' whole profits of his lands, before he cometh to the knowledge of the process that runneth against him; other times an alienation made without license is discovered when the present owner of the lands is altogether ignorant that his lands be holden in chief at all: other times, also, some man concludeth himself to have such a tenure by his own suing forth of a special writ of livery, or by causeless procuring a license, or pardon, for his alienation, when in truth the lands be not either holden at all of her majesty, or not holden in chief, but by a mean tenure in soccage, or by knight's service at the most. In which cases, and the like, if the extremity should be rigorously urged and taken, especially where the years be many, the party should be driven to his utter overthrow, to make half a purchase, or more, of his own proper land and living.

The chief clerk.

About the discovery of the tenure in chief, following of process for such alienation made, as also about the calling upon sheriffs for their accounts, and the bringing in of parties by seisure of their lands, therefore the first and principal clerk in this office, of whom I had not before any cause to speak, is chiefly and in a manner wholly occupied and set on work. Now, if it do at any time happen, as, notwithstanding the best endeavour, it may and doth happen, that the process, howsoever colourably awarded, hath not hit the very mark whereat it was directed, but haply calleth upon some man who is not of right to be charged with the tenure in chief, that is objected against; then is he, upon oath and other good evidence, to receive his discharge under the hands of the deputies, but with a *quousque*, and with *salvo jure dominæ*. Usage and deceivable manner of awarding process cannot be avoided, especially where a man, having in some one place both lands holden in chief, and other lands not so holden, alieneth the laws not holden: seeing that it cannot appear by record nor otherwise, without the express declaration and evidences of the party himself, whether they be the same lands that be holden, or others. And, therefore, albeit the party grieved thereby may have some reason to complain of an untrue charge, yet may he not well call it an unjust vexation; but ought rather to look upon that ease, which in this kind of proceeding he hath found, where, besides his labour, he is not to expend above two-and-twenty shillings in the whole charge, in comparison of that toil, cost, and care, which he in the case was wont to sustain by the writ of *certiorari* in the Exchequer; wherein, besides all his labour, it did cost him fifty shillings at the least, and sometimes twice so much, before he could find the means to be delivered.

The discharge of him that holdeth not in chief when he is sued erroneously.

Policy for avoiding corruption.

Thus have I run through the whole order of this practice, in the open time of the term; and that the more particularly and at full, to the end that thereby these things ensuing might the more fully appear, and plainly bewray themselves: first, that this present manner of exercising of this office hath so many testimonies, interchangeable warrants, and counter-rolments, whereof each, running through the hands and resting in the power of so many several persons, is sufficient to argue and convince all manner of falsehood; so as, with a general conspiracy of all those offices together, it is almost impossible to contrive any deceit therein: a right ancient and sound policy, whereupon both the order of the accounts in the Exchequer, and of the affairs of her majesty's own household, are so grounded and built, that the infection of an evil mind in some one or twain, cannot do any great harm, unless the rest of the company be also poisoned by their contagion. And, surely, as Cicero said, *Nullum est tam desperatum collegium, in quo non unus e multis sit sana mente præditus.* Secondly, that here is great use both of discretion, learning, and integrity; of discretion, I say, for examining the degrees of favour, which ought to be imparted diversely, and for discerning the valuations of lands, not in one place or shire, but in each county and corner of the realm; and that not of one sort or quality, but of every kind, nature, and degree: for a taste whereof, and to the end that all due quality of rates be not suddenly charged with infidelity, and condemned for corruption; it is note-worthy, that favour is here sometimes right worthily bestowed, not only in a general regard of the person, by which every man ought to have a good pennyworth of his own, but more especially also and with much distinction: for a peer of the realm, a counsellor of state, a judge of the land, an officer that laboureth in furtherance of the tenure, or poor person, are not, as I think, to be measured by the common yard, but by the pole of special grace and dispensation. Such as served in the wars, have been permitted, by many statutes, to alien their lands of this tenure, without suing out of any license. All those of the chancery have claimed and taken the privilege to pass their writs without fine; and yet, therefore, do still look to be easily fined; yea, the favourites in court, and as many as serve the queen in ordinary, take it unkindly if they have not more than market measure.

Inequality of rates justifiable.

The person.

The place.

Again, the consideration of the place or county where the lands do lie, may justly cause the rate or valuation to be the more or less; for as the writs too commonly report the land by numbers of acres, and as it is allowable, for the eschewing of some dangers, that those

numbers do exceed the very content and true quantity of the lands themselves; so in some counties they are not much acquainted with admeasurement by acre; and thereby, for the most part, the writs of those shires and counties do contain twice or thrice so many acres more than the land hath. In some places the lands do lie open in common fields, and be not so valuable as if they were enclosed; and not only in one and so within the selfsame lordship, parish, or hamlet, lands have their divers degrees of value, through the diversity of their fertility or barrenness: wherein how great odds and variety there is, he shall soonest find, that will examine it by his own skill in whatsoever place that he knoweth best.

Moreover, some lands be more chargeable than others are, respecting either the tenure, as knight's service, and the tenure in chief, or in regard of defence against the sea and great rivers; as for their lying near to the borders of the realm, or because of great and continual purveyances that are made upon them, or such like.

And in some counties, as, namely, westward, their yearly rents, by which most commonly their value to her majesty is accounted, are not to this day improved at all, the landlords making no less gain by fines and incomes, than there is raised in other places by enhancement of rents.

The manner of that assurance.

The manner and sorts of the conveyance of the land itself is likewise variable, and therefore deserveth a diverse consideration and value: for in a pardon one whole year's value, together with the mean rates thereof, is due to be paid; which ought therefore to be more favourably assessed, than where but a third part of one year's rent, as in a license or writ of entry, or where only a tenth part, as in a writ of covenant, is to be demanded.

A license also and a pardon are to pass the charges of the great seal, to the which the bargain and sale, the fine and recovery are not subject. Sometimes, upon one only alienation and change, the purchaser is to pass both license, fine, and recovery, and is for this multiplicity of payments more to be favoured, than he which bringeth but one single pay for all his assurance.

Moreover, it is very often seen that the same land suffereth sundry transmutations of owners within one term, or other small compass of time; by which return much profit cometh to her majesty, though the party feel of some favour in that doing

The end of con-

Neither is it of small moment in this part, to behold to what end the conveyances of land be delivered; seeing that sometimes it is only to establish the lands in the hands of the owner and his posterity, without any alienation and change of possession to be made: sometimes a fine is levied only to make good a lease for years, or to pass an estate for life, upon which no yearly rent is reserved; or to grant a reversion, or remainder, expectant upon a lease, or estate, that yieldeth no rent Sometimes the land is given in mortgage only, with full intention to be redeemed within one year, six months, or a lesser time. Many assurances do also pass to godly and charitable uses alone; and it happeneth not seldom, that, to avoid the yearly oath for averment of the continuance of some estate for life, which is eigne, and not subject to forfeiture, for the alienation that cometh after it, the party will offer to sue a pardon uncompelled before the time; in all which some mitigation of the uttermost value may well and worthily be offered, the rather for that the statute, 1 E. III. c. 12, willeth, that in this service generally a reasonable fine shall be taken.

1 E. 3., c. 12.

Error and mistaking.

Lastly, error, misclaim, and forgetfulness do now and then become suitors for some remission of extreme rigour: for I have sundry times observed, that an assurance, being passed through for a competent fine, hath come back again by reason of some oversight, and the party hath voluntarily repassed it within a while after. Sometimes the attorney, or follower of the cause, unskilfully thrusteth into the writ, both the uttermost quantity, or more, of the land, and the full rent also that is given for it; or else setteth down an entiety, where but a moiety, a third or fourth part only was to be passed; or causeth a bargain and sale to be enrolled, when nothing passed thereby, because a fine had transferred the land before; or else enrolleth it within the six months; whereas, before the end of those months, the land was brought home to the first owner, by repayment of the money for which it was engaged. In which and many other like cases, the client will rather choose to give a moderate fine for the alienation so recharged, than to undertake a costly plea in the Exchequer, for reformation of that which was done amiss. I take it for a venial fault also to vouchsafe a pardon, after the rate and proportion of a license, to him that without fraud or evil mind hath slipped a term or two months, by forgetting to purchase his license.

Much more could I say concerning this unblamable inequality of fines and rates; but as I meant only to give an essay thereof, so, not doubting but that this may stand, both for the satisfaction of such as be indifferent, and for the discharge of us that be put in trust with the service, wherein no doubt a good discretion and dexterity ought to be used, I resort to the place where I left, affirming that there is in this employment of ours great use of good learning also, as well to distinguish the manifold sorts of tenures and estates; to make construction of grants, conveyances, and wills, and to sound the validity of inquisitions, liveries, licenses, and pardons; as also to decipher the manifold slights and subtleties that are daily

offered to defraud her majesty in this her most ancient and due prerogative, and finally to handle many other matters, which this purpose will not permit me to recount at large.

Lastly, here is need, as I said, of integrity throughout the whole labour and practice, as without the which both the former learning and discretion are no better than *armata nequitia*, and nothing else but detestable craft and double villainy.

And now, as you have seen that these clerks want not their full task of labour during the time of the open term, so is there for them whereupon to be occupied in the vacation also.

For whereas alienations of lands, holden by the of prerogative, be continually made, and that by many and divers ways, whereof all are not, at the first, to be found of record; and yet for the most part do come to be recorded in the end: the clerks of this office do, in the time of the vacation, repair to the rolls and records, as well of the Chancery and King's Bench, as of the Common Pleas and Exchequer, whence they extract notes not only of inquisitions, common recoveries, and indentures of bargains and sales, that cannot but be of record, but also of such feoffments, exchanges, gifts by will, and indentures of covenants to raise uses of lands holden in chief, as are first made in the country without matter of record, and come at the length to be found by office or inquisition, that is of record; all which are digested into apt books, and are then sent to the remembrancer of the lord treasurer in the Exchequer, to the end that he may make and send out processes upon them, as he doth upon the extracts of the final concords of such lands, which the clerk of the fines doth convey unto him.

Thus it is plain, that this new order by many degrees excelleth the former usage; as also for the present advancement of her majesty's commodity, and for the future profit which must ensue by such discovery of tenures as were concealed before, by awakening of such as had taken a long sleep, and by reviving a great many that were more than half dead.

The fees or allowances, that are termly given to these deputies, receiver, and clerks, for recompense of these their pains, I do purposely pretermit; because they be not certain, but arbitrary, at the good pleasure of those honourable persons that have the dispensation of the same: howbeit, hitherto each deputy and the receiver hath received twenty pounds for his travel in each term, only the doctor hath not allowance of any sum in gross, but is altogether paid in petty fees, by the party or suitor; and the clerks are partly rewarded by that mean also, for their entries, discharges, and some other writings, besides that termly fee which they are allowed.

Note. But if the deputies take one penny besides their known allowance, they buy it at the dearest price that may be; I mean the shipwreck of conscience, and with the irrecoverable loss of their honesty and credit; and, therefore, since it appeareth which way each of these hath his reward, let us also examine that increase of benefit and gain, which is brought to her majesty by the invention of this office.

At the end of Hilary term, 1589, being the last open term of the lease of these profits granted to the late Earl of Leicester, which also was to expire at the feast of the Annunciation of the blessed Virgin Mary, 1590, then shortly to ensue; the officers above remembered thought it, for good causes, their duties to exhibit to the said right honourable the lord treasurer a special declaration of the yearly profits of these finances, paid into the hanaper during every of the six years before the beginning of the demise thereof made to that earl, conferred with the profits thereof that had been yearly taken during the last six years before the determination of the lease. By which it plainly appeared, that in all those first six years, next before the demise, there had been raised only 12,798*l.* 15*s.* 7*d.* ob.; and in these last six years of the demise the full sum of 32,160*l.* 4*s.* 10*d.* qu.; and so in all 19,362*l.* 2*s.* 2*d.* ob. qu. more in these last, than in those former six years. But because it may be said that all this increase redounded to the gain of the fermor only, I must add, that during all the time of the demise, he answered 300*l.* rent, of yearly increase, above all that profit of 2,133*l.* 2*s.* 7*d.* qu., which had been yearly and casually made in the sixteen years one with another next before: the which, in the time of fourteen years, for so long these profits have been demised by three several leases, did bring 4,200*l.* to her majesty's coffers. I say yearly; which may seem strange, that a casual and thereby uncertain profit should yearly be all one; but indeed such was the wondrous handling thereof, that the profit was yearly neither more nor less to her majesty, howsoever it might casually be more or less to him that did receive it. For the writs of covenant answered year by year 1,152*l.* 16*s.* 8*d.*, the licenses and pardons 934*l.* 3*s.* 11*d.* qu., and the mean rates 46*l.* 2*s.*; in all 2,133*l.* 2*s.* 7*d.*, qu., without increase or diminution.

Moreover, whereas her majesty did, after the death of the earl, buy of the countess, being his executrix, the remnant of the last term of three years in those profits, whereof there were only then six terms, that is, about one year and a half, to come, paying for it the sum of 3,000*l.* her majesty did clearly gain by that bargain the sum of 1,173*l.* 15*s.* 8*d.* ob. above the said 3,000*l.* above the rent of 3,649*l.* 13*s.* 10*d.* ob. qu. proportionably due for that time, and above all fees and other reprises. Neither hath the benefit of this increase to her majesty been contained within the bounds of this small office, but hath swelled over the banks thereof, and displayed itself apparently, as well in the hanaper, by the fees of the great seal,

which yielding 20*s.* 4*d.* towards her majesty for every license and pardon, was estimated to advantage her highness during those fourteen years, the sum of 3,721*l.* 6*s.* ob. qu. more than without that demise she was like to have found. As also in the court of wards and liveries, and in the Exchequer itself: where, by reason of the tenures in chief revived through the only labours of these officers, both the sums for respect of homage be increased, and the profits of wardships, primer seisins, ouster le maine, and liveries, cannot but be much advanced. And so her majesty's self hath, in this particular, gained the full sum of 8,736*l.* 5*s.* 5*d.* ob. qu., not comprising those profits in the Exchequer and court of wards, the very certainty whereof lieth not in the knowledge of these officers, nor accounting any part of that great benefit which the earl and his executrix have made by the demises: which, one year with another, during all the thirteen years and a half, I suppose to have been 2,263*l.* or thereabouts; and so in all about 27,158*l.* above all his costs and expenses. The which, albeit I do here report only for the justification of the service in this place; yet who cannot but see withal, how much the royal revenues might be advanced, if but the like good endeavours were showed for her majesty in the rest of her finances, as have been found in this office for the commodity of this one subject?

The views of all which matter being presented to the most wise and princely consideration of her majesty, she was pleased to demise these profits and fines for other five years, to begin at the feast of the Annunciation, 1590, in the thirty-second year of her reign, for the yearly rent formerly reserved upon the leases of the earl; within the compass of which five years, expired at the Annunciation, 1595, there was advanced to her majesty's benefit, by this service, the whole sum of 13,013*l.* 11*s.* 1*d.* qu. beyond the ancient yearly revenues, which, before any lease, were usually made of these finances. To which, if there be added 5,700*l.* for the gain given to her majesty by the yearly receipt of 300*l.* in rent, from the first demise to the earl, until the time of his death, together with the sum of 1,173*l.* 15*s.* 8*d.* ob., clearly won in those six terms bought of the countess; then the whole commodity, from the first institution of this office, till the end of these last five years expired at the Annunciation, 1595, shall appear to be 19,887*l.* 9*s.* 9*d.* ob. qu. To the which sum also if 28,550*l.* 15*s.* 6*d.* ob. qu., which the earl and the countess levied hereby, be likewise adjoined, then the whole profit taken in these nineteen years, that is, from the first lease, to the end of the last, for her majesty, the earl, and the countess, will amount unto 48,438*l.* 5*s.* 4*d.* This labour hitherto thus luckily succeeding, the deputies in this office finding by daily proof, that it was wearisome to the subject to travel to divers places, and through sundry hands, for the pursuing of common recoveries, either not holden of her majesty at all, or but partly holden in chief; and not doubting to improve her majesty's revenue therein, and that without loss to any, either private person or public officer, if the same might be managed by them jointly with the rest whereof they had the charge; they found, by search in the hanaper, that the fruits of those writs of entry had not, one year with another, in the ten years next before, exceeded 400*l.* by the year. Whereupon they took hold of the occasion then present, for the renewing of the lease of the former profits; and moved the lord treasurer, and Sir John Fortescue, under treasurer and chancellor of the Exchequer, to join the same in one and the same demise, and to yield unto her majesty 500*l.* by year therefor; which is 100*l.* yearly of increase. The which desire being by them recommended to her majesty, it liked her forthwith to include the same, and all the former demised profits, within one entire lease, for seven years, to begin at the said feast of the Annunciation, 1597, under the yearly rent of 2,933*l.* 2*s.* 7*d.* qu. Since which time hitherto, I mean to the end of Michaelmas term, 1598, not only the proportion of the said increased 100*l.*, but almost of one other 100*l.* also, hath been answered to her majesty's coffers, for those recoveries so drawn into the demise now continuing.

Thus I have opened both the first plotting, the especial practice, and the consequent profit arising by these officers; and now if I should be demanded, whether this increase of profit were likely to stand without fall, or to be yet amended or made more? I would answer, that if some few things were provided, and some others prevented, it is probable enough in mine own opinion, that the profit should rather receive accession than decay.

The things that I wish to be provided are these: first, that by the diligence of these officers, assisted with such other as can bring good help thereunto, a general and careful collection be made of all the tenures in chief; and that the same be digested by way of alphabet into apt volumes, for every part, or shire, of the realm. Then that every office, or inquisition, that findeth any tenure in chief, shall express the true quantities of the lands so holden, even as in ancient time it was wont to be done by way of admeasurement, after the manner of a perfect extent or survey; whereby all the parts of the tenancy in chief may be wholly brought to light, howsoever in process of time it hath been, or shall be torn and dismembered. For prevention, I wish likewise, first, that some good means were devised for the restraint of making these inordinate and covinous leases of lands, holden in chief, for hundreds or thousands of years, now grown so bold, that they dare show themselves in fines, levied upon the open stage of the Common Pleas; by which one man taketh

the full profit, and another beareth the empty name of tenancy, to the infinite deceit of her majesty in this part of her prerogative. Then, that no alienation of lands holden in chief should be available, touching the freehold or inheritance thereof, but only where it were made by matter of record, to be found in some of her majesty's treasuries; and, lastly, that a continual and watchful eye be had, as well upon these new founden traverses of tenure, which are not now tried *per patriam*, as the old manner was; as also upon all such pleas whereunto the confession of her majesty's said attorney-general is expected: so as the tenure of the prerogative be not prejudiced, either by the fraud of counsellors at the law, many of which do bend their wits to the overthrow thereof; or by the greediness of clerks and attorneys, that, to serve their own gain, do both impair the tenure, and therewithal grow more heavy to the client, in so costly pleading for discharge, than the very confession of the matter itself would prove unto him. I may yet hereunto add another thing, very meet not only to be prevented with all speed, but also to be punished with great severity: I mean that collusion set on foot lately, between some of her majesty's tenants in chief, and certain others that have had to do in her highness's grants of concealed lands: where, under a feigned concealment of the land itself, nothing else is sought but only to make a change of the tenure, which is reserved upon the grant of those concealments, into that tenure in chief: in which practice there is no less abuse of her majesty's great bounty, than loss and hindrance of her royal right. 'These things thus settled, the tenure in chief should be kept alive and nourished; the which, as it is the very root that doth maintain this silver stem, that by many rich and fruitful branches spreadeth itself into the Chancery, Exchequer, and court of wards; so, if it be suffered to starve, by want of ablaqueation, and other good husbandry, not only this yearly fruit will much decrease from time to time, but also the whole body and boughs of that precious tree itself will fall into danger of decay and dying.

And now, to conclude therewith, I cannot see how it may justly be misliked, that her majesty should, in a reasonable and moderate manner, demand and take this sort of finance; which is not newly out and imposed, but is given and grown up with the first law itself, and which is evermore accompanied with some special benefit to the giver of the same: seeing that lightly no alienation is made, but either upon recompense in money, or land, or for marriage, or other good and profitable consideration that doth move it: yea, rather all good subjects and citizens ought not only to yield that gladly of themselves, but also to further it with other men; as knowing that the better this and such like ancient and settled revenues shall be answered and paid, the less need her majesty shall have to ask subsidies, fifteens, loans, and whatsoever extraordinary helps, that otherwise must of necessity be levied upon them. And for proof that it shall be more profitable to her majesty, to have every of the same to be managed by men of fidelity, that shall be waged by her own pay, than either to be letten out to the fermours benefits, or to be left at large to the booty and spoil of ravenous ministers, that have not their reward; let the experiment and success be in this one office, and persuade for all the rest.

Laus Deo.

THE GREAT INSTAURATION

OF LORD BACON.

PART II.

NOVUM ORGANUM.

EDITOR'S PREFACE.

The following is a Translation of the "Instauratio Magna," excepting the first book, the Treatise "De Augmentis Scientiarum."

BOOK II. NOVUM ORGANUM.

The first edition of this work was published in folio, in 1620, when Lord Bacon was chancellor. Editions in 12mo. were published in Holland in 1645, 1650, and 1660. An edition was published in 1779; "Wirceburgi, apud Jo. Jac. Stahel:" and an edition was published at Oxford in 1813. No assistance to this, or, as I am aware, to any part of Lord Bacon's works, has been rendered by the University of Cambridge.

Parts of the Novum Organum have, at different periods, been translated.

In Watts's translation, in 1610, of the Treatise De Augmentis, there is a translation of the Introductory Tract prefixed to the Novum Organum.

In the third edition of the Resuscitatio, published in 1671, there are three translated tracts from the Novum Organum, viz., 1. The Natural and Experimental History of the Form of Hot Things. 2. Of the several kinds of Motion or of the Active Virtue. 3. A Translation of the Parasceve, which is the beginning of the third part of the Instauration, but is annexed to the Novum Organum in the first edition. This translation of the Parasceve is by *a well wisher to his lordship's writings.*

In the tenth edition of the Sylva Sylvarum, there is an abridged translation of the Novum Organum. The following is a copy of the title page: *The Novum Organum of Sir Francis Bacon, Baron of Verulam, Viscount St. Albans Epitomiz'd: for a clearer understanding of his Natural History. Translated and taken out of the Latine by M. D. B. D. London: Printed for Thomas Lee, at the Turk's-head in Fleet Street*, 1676. As this tenth edition of the Sylva was published 1671, and Dr. Rawley died 1667, it must not, from any document now known, be ascribed to him. It is not noticed in the Baconiana published in 1679.

In 1733, Peter Shaw, M. D., published a translation of the Novum Organum.

Dr. Shaw, who was a great admirer of Lord Bacon, seems to have laboured under a diseased love of arrangement, by which he was induced to deviate from the order of the publications by Lord Bacon, and to adopt his own method. This may be seen in almost every part of his edition, but particularly in his edition of the Essays, and of the Novum Organum, which is divided and subdivided into sections, with a perplexing alteration, without an explanation of the numbers of the Aphorisms; this will appear at the conclusion of his first section, where he passes from section thirty-seven to section one.

His own account of his translation is as follows:—"The design of these volumes is to give a methodical English edition of his philosophical works, fitted for a commodious and ready perusal; somewhat in the same manner as the philosophical works of Mr. Boyle were, a few years since, fitted, in three quarto volumes.

"All the author's pieces, that were originally written in Latin, or by himself translated into Latin, are here new done from those originals; with care all along to collate his own English with the Latin, where the pieces were extant in both languages.

"The method observed in thus rendering them into English, is not that of a direct translation, (which might have left them more obscure than they are; and no way suited this design;) but a kind of open version, which endeavours to express, in modern English, the sense of the author, clear, full, and strong; though without deviating from him, and, if possible, without losing of his spirit, force, or energy. And though this attempt may seem vain, or bold, it was doubtless better to have had the view, than willingly to have aimed at second prizes.

"The liberty sometimes taken, not of abridging, (for just and perfect writings are incapable of abridgment,) but of dropping, or leaving out, some parts of the author's writings, may require greater excuse. But this was done in order to shorten the works, whose length has proved one discouragement to their being read. And regard has been had to omit none of the philosophical matter; but only certain personal addresses, compliments, exordiums, and the like; for, as the reasons and ends, for which these were originally made, subsist no longer, it was thought superfluous to continue such particularities, in a work of this general nature."

In the year 1810 the Novum Organum was translated into Italian. The following is a copy of the title-page: *Nuovo Organo Delle Scienze di Francesco Bacone, Di Verulamio, Traduzione in Italiano del can. Antonio Pellizzari, Edizione seconda arricchita di un Indice e di Annotazioni. Bassano, Tipografia Remondiniana*, 1810.

For the translation of the Novum Organum contained in this volume, I am indebted to my friend William Wood: excepting the translation of the Catalogue of Particular Histories, for which I am indebted to my friend and pupil, William G. Glen.

BOOK III. NATURAL AND EXPERIMENTAL HISTORY.

THE HISTORY OF THE WINDS.

The translation was published in 1671, in the third edition of the Resuscitatio. It is "translated into English by R. G., gentleman." Of this tract Archbishop Tennison, says, in his Baconiana: "The second section is the History of Winds, written in Latin by the author, and by R. G., gentleman, turned into English. It was dedicated to King Charles, then Prince, as the first-fruits of his lordship's Natural History; and as a grain of mustard-seed, which was, by degrees, to grow into a tree of experimental science. This was the birth of the first of those six months, in which he determined (God assisting him) to write six several histories of natural things. To wit, of Dense and Rare Bodies; of Heavy and Light Bodies; of Sympathy and Antipathy; of Salt, Sulphur, and Mercury; of Life and Death; and (which he first perfected) that of Winds, which he calls the Wings, by which men fly on the sea, and the besoms of the air and earth. And he rightly observeth, concerning those postnati, (for, as he saith, they are not a part of the six days' work or primary creatures,) that the generation of them has not been well understood, because men have been ignorant of the nature and power of the air, on which the winds attend, as Æolus on Juno.

"The English translation of this book of Winds is printed in the second part of the Resuscitatio, as it is called, though improperly enough; for it is rather a collection of books already printed, than a resuscitation of any considerable ones, which before slept in private manuscript."

The translations of the Histories of Density and Rarity; of Heavy and Light; of Sympathy and Antipathy; of Sulphur, Mercury, and Salt, are from the third edition of the Resuscitatio, published in 1671; which contains also a translation of the Entrance to the History of Life and Death.

The translation of the History of Life and Death is taken from the seventh edition of the Sylva Sylvarum, published in 1658. Of this translation, Archbishop Tennison thus speaks in his Baconiana: "The sixth section is the History of Life and Death, written by his lordship in Latin, and first turned into English by an injudicious translator, and rendered much better a second time, by an abler pen, made abler still by the advice and assistance of Dr. Rawley.

"This work, though ranked last amongst the six monthly designations, yet was set forth in the second place. His lordship (as he saith) inverting the order, in respect of the prime use of this argument, in which the least loss of time was by him esteemed very precious. The subject of this book, (which Sir Henry Wotton calleth none of the least of his lordship's works,) and the argument of which some had before undertaken, but to much less purpose, is the first of those which he put in his Catalogue of the Magnalia Naturæ. And, doubtless, his lordship undertook both a great and a most desirable work, of making art short, and life easy and long. 'And it was his lordship's wish that the nobler sort of physicians might not employ their times wholly in the sordidness of cures, neither be honoured for necessity only; but become coadjutors and instruments of the Divine omnipotence and clemence, in prolonging and renewing the life of man; and in helping Christians, who pant after the land of promise, so to journey through this world's wilderness, as to have their shoes and garments (these of their frail bodies) little worn and impaired.'"

BOOK IV. OF THE SCALING LADDER OF THE INTELLECT.

For this translation I am indebted to my dear friend, the Reverend Archdeacon Wrangham, with whom, after an uninterrupted friendship of more than forty years, I am happy to be associated in this work.

Archbishop Tennison thus speaks of this fourth book: "The fourth part of the Instauration designed, was Scala Intellectus.

"To this there is some sort of entrance in his lordship's distribution of the Novum Organum, and in a page or two under that title of Scala, published by Gruter. But the work itself passed not beyond the model of it in the head of the noble author.

"That which he intended was, a particular explication and application of the second part of the Instauration, (which giveth general rules for the interpretation of nature,) by gradual instances and examples.

"He thought that his rules, without some more sensible explication, were like discourses in geometry or mechanics, without figures and types of engines. He therefore designed to select certain subjects in nature or art; and, as it were, to draw to the sense a certain scheme of the beginning and progress of philosophical disquisition in them; showing, by degrees, where our consideration takes root, and how it spreadeth and advanceth. And some such thing is done by those who, from the Cicatricula, or from the Punctum Saliens, observe and register all the phenomena of the animal unto its death, and after it, also, in the medical, or culinary, or other use of its body; together with all the train of the thoughts occasioned by those phenomena, or by others in compare with them.

"And because he intended to exhibit such observations, as they gradually arise, therefore, he gave to that designed work the title of the Scale, or Ladder of the Understanding. He also expressed the same conceit by another metaphor, advising students to imitate men who, by going by degrees, from several eminences of some very high mountain, do at length arrive at the top, or pike of it."

FIFTH BOOK, OR ANTICIPATIONS OF THE SECOND PHILOSOPHY.

For this translation I am also indebted to my friend, Archdeacon Wrangham. Of this tract Archbishop Tennison thus speaks: "The fifth part of the Instauration designed, was what he called Prodromi sive Anticipationes Philosophiæ Secundæ. To this we find a very brief entrance in the Organum, and the Scripta, published by Gruter. And, though his lordship is not known to have composed any part of this work by itself, yet something of it is to be collected from the axioms and greater observations interspersed in his Natural Histories, which are not pure but mixed writings. The anticipations he intended to pay down as use, till he might furnish the world with the principal."

FRANCIS OF VERULAM

THOUGHT THUS,

AND SUCH IS THE METHOD HE WITHIN HIMSELF PURSUED, WHICH HE THOUGHT IT CONCERNED BOTH THE LIVING AND POSTERITY TO BECOME ACQUAINTED WITH.

Seeing he was satisfied that the human understanding creates itself labour, and makes not a judicious and convenient use of such real helps as are within man's power, whence arise both a manifold ignorance of things, and innumerable disadvantages, the consequence of such ignorance; he thought that we ought to endeavour, with all our might, either (if it were possible) completely to restore, or, at all events, to bring to a better issue that free intercourse of the mind with things, nothing similar to which is to be met with on earth, at least as regards earthly objects. But that errors which have gained firm ground, and will forever continue to gain ground, would, if the mind were left to itself, successively correct each other, either from the proper powers of the understanding, or from the helps and support of logic, he entertained not the slightest hope. Because the primary notions of things, which the mind ignorantly and negligently imbibes, stores up, and accumulates, (and from which every thing else is derived,) are faulty and confused, and carelessly abstracted from the things themselves; and in the secondary and following notions, there is an equal wantonness and inconsistency. Hence it happens that the whole system of human reasoning, as far as we apply it to the investigation of nature, is not skilfully consolidated and built up, but resembles a magnificent pile that has no foundation. For while men admire and celebrate the false energies of the mind, they pass by, and lose sight of the real; such as may exist if the mind adopt proper helps, and act modestly towards things instead of weakly insulting them. But one course was left, to begin the matter anew with better preparation, and to effect a restoration of the sciences, arts, and the whole of human learning, established on their proper foundation. And, although, at the first attempt, this may appear to be infinite, and above the strength of a mere mortal, yet will it, in the execution, be found to be more sound and judicious than the course which has hitherto been pursued. For this method admits at least of some termination, whilst, in the present mode of treating the sciences, there is a sort of whirl, and perpetual hurry round a circle. Nor has he forgotten to observe that he stands alone in this experiment, and that it is too bold and astonishing to obtain credit. Nevertheless, he thought it not right to desert either the cause or himself, by not exploring and entering upon the only way, which is pervious to the human mind. For it is better to commence a matter which may admit of some termination, than to be involved in perpetual exertion and anxiety about that which is interminable. And, indeed, the ways of contemplation nearly resemble those celebrated ways of action; the one of which, steep and rugged at its commencement, terminates in a plain, the other, at the first view smooth and easy, leads only to by-roads and precipices. Uncertain, however, whether these reflections would ever hereafter suggest themselves to another, and, particularly, having observed, that he has never yet met with any person disposed to apply his mind to similar meditations, he determined to publish whatsoever he had first time to conclude. Nor is this the haste of ambition, but of his anxiety, that if the common lot of mankind should befall him, some sketch and determination of the matter his mind had embraced might be extant, as well as an earnest of his will being honourably bent upon promoting the advantage of mankind. He assuredly looked upon any other ambition as beneath the matter he had undertaken; for that which is here treated of is either nothing, or it is so great that he ought to be satisfied with its own worth, and seek no other return.

TO

OUR MOST SERENE AND MIGHTY PRINCE AND LORD

JAMES,

BY THE GRACE OF GOD, KING OF GREAT BRITAIN, FRANCE, AND IRELAND, DEFENDER OF THE FAITH, ETC.

MOST SERENE AND MIGHTY KING:

YOUR majesty will, perhaps, accuse me of theft, in that I have stolen from your employments time sufficient for this work. I have no reply, for there can be no restitution of time, unless, perhaps, that which has been withdrawn from your affairs might be set down as devoted to the perpetuating of your name and to the honour of your age, were what I now offer of any value. It is at least new, even in its very nature; but copied from a very ancient pattern, no other than the world itself, and the nature of things, and of the mind. I myself (ingenuously to confess the truth) am wont to value this work rather as the offspring of time than of wit. For the only wonderful circumstance in it is, that the first conception of the matter, and so deep suspicions of prevalent notions should ever have entered into any person's mind; the consequences naturally follow. But, doubtless, there is a chance, (as we call it,) and something as it were accidental in man's thoughts, no less than in his actions and words. I would have this chance, however, (of which I am speaking,) to be so understood, that if there be any merit in what I offer, it should be attributed to the immeasurable mercy and bounty of God, and to the felicity of this your age; to which felicity I have devoted myself whilst living with the sincerest zeal, and I shall, perhaps, before my death have rendered the age a light unto posterity, by kindling this new torch amid the darkness of philosophy. This regeneration and instauration of the sciences is with justice due to the age of a prince surpassing all others in wisdom and learning. There remains for me to but to make one request, worthy of your majesty, and very especially relating to my subject, namely, that, resembling Solomon as you do in most respects, in the gravity of your decisions, the peacefulness of your reign, the expansion of your heart, and, lastly, in the noble variety of books you have composed, you would further imitate the same monarch in procuring the compilation and completion of a Natural and Experimental History, that shall be genuine and rigorous, not that of mere philologues, and serviceable for raising the superstructure of philosophy, such, in short, as I will in its proper place describe: that, at length, after so many ages, philosophy and the sciences may no longer be unsettled and speculative, but fixed on the solid foundation of a varied and well considered experience. I for my part have supplied the instrument, the matter to be worked upon must be sought from things themselves. May the great and good God long preserve your majesty in safety.

Your majesty's

Most bounden and devoted,

FRANCIS VERULAM, Chancellor.

FRANCIS OF VERULAM'S

GREAT INSTAURATION.

PREFACE.

ON THE STATE OF LEARNING.—THAT IT IS NEITHER PROSPEROUS NOR GREATLY ADVANCED, AND THAT AN ENTIRELY DIFFERENT WAY FROM ANY KNOWN TO OUR PREDECESSORS MUST BE OPENED TO THE HUMAN UNDERSTANDING, AND DIFFERENT HELPS BE OBTAINED, IN ORDER THAT THE MIND MAY EXERCISE ITS JURISDICTION OVER THE NATURE OF THINGS.

It appears to me that men know not either their acquirements or their powers, and trust too much to the former, and too little to the latter. Hence it arises that, either estimating the arts they have become acquainted with at an absurd value, they require nothing more, or forming too low an opinion of themselves, they waste their powers on trivial objects, without attempting any thing to the purpose. The sciences have thus their own pillars, fixed as it were by fate,* since men are not roused to penetrate beyond them either by zeal or hope: and inasmuch as an imaginary plenty mainly contributes to a dearth, and from a reliance upon present assistance, that which will really hereafter aid us is neglected, it becomes useful, nay, clearly necessary, in the very outset of our work, to remove, without any circumlocution or concealment, all excessive conceit and admiration of our actual state of knowledge, by this wholesome warning not to exaggerate or boast of its extent or utility. For, if any one look more attentively into that vast variety of books which the arts and sciences are so proud of, he will everywhere discover innumerable repetitions of the same thing, varied only by the method of treating it, but anticipated in invention; so that although at first sight they appear numerous, they are found, upon examination, to be but scanty. And with regard to their utility I must speak plainly. That philosophy of ours which we have chiefly derived from the Greeks, appears to me but the childhood of knowledge, and to possess the peculiarity of that age, being prone to idle loquacity, but weak and unripe for generation; for it is fruitful of controversy and barren of effects. So that the fable of Scylla seems to be a lively image of the present state of letters; for she exhibited the countenance and expression of a virgin, but barking monsters surrounded and fastened themselves to her womb. Even thus, the sciences to which we have been accustomed have their flattering and specious generalities, but when we come to particulars, which, like the organs of generation, should produce fruit and effects, then spring up altercations and barking questions, in the which they end, and bring forth nothing else. Besides, if these sciences were not manifestly a dead letter, it would never happen, as for many ages has been the case in practice, that they should adhere almost immovably to their original footing, without acquiring a growth worthy of mankind: and this so completely, that frequently not only an assertion continues to be an assertion, but even a question to be a question, which, instead of being solved by discussion, becomes fixed and encouraged; and every system of instruction successively handed down to us brings upon the stage the characters of master and scholar, not those of an inventor and one capable of adding some excellence to his inventions. But we see the contrary happen in the mechanical arts. For they, as if inhaling some life-inspiring air, daily increase, and are brought to perfection; they generally in the hands of the inventor appear rude, cumbrous, and shapeless, but afterwards acquire such additional powers and facility, that sooner may men's wishes and fancies decline and change, than the arts reach their full height and perfection. Philosophy and the intellectual sciences on the contrary, like statues, are adored and celebrated, but are not made to advance: nay, they are frequently most vigorous in the hands of their author, and thenceforward degenerate. For since men have voluntarily surrendered themselves, and gone over in crowds to the opinion of their leader, like those silent senators of Rome,† they add nothing to the extent of learning themselves, but perform the servile duty of illustrating and waiting upon particular authors. Nor let any one allege that learning, slowly springing up, attained by degrees its full stature, and from that time took up its abode in the works of a few, as having performed its predetermined course; and that, as it is impossible to discover any further improvement, it only

* Alluding to the frontispiece of the original work, which represents a vessel passing beyond the Pillars of Hercules.
† Pedarii Senatores.

remains for us to adorn and cultivate that which has been discovered. It were indeed to be wished that such were the case; the more correct and true statement, however, is, that this slavery of the sciences arises merely from the impudence of a few, and the indolence of the rest of mankind. For, no sooner was any particular branch of learning (diligently enough, perhaps) cultivated and laboured, than up would spring some individual confident in his art, who would acquire authority and reputation from the compendious nature of his method, and, as far as appearances went, would establish the art, whilst in reality he was corrupting the labours of his ancestors. Yet will this please succeeding generations, from the ready use they can make of his labour, and their wearisome impatience of fresh inquiry.* But if any one be influenced by an inveterate uniformity of opinion, as though it were the decision of time—let him learn that he is relying on a most fallacious and weak argument. For not only are we, in a great measure, unacquainted with the proportion of arts and sciences that has been discovered and made its way to the public in various ages and regions, (much less with what has been individually attempted and privately agitated,) neither the births nor the abortions of time being extant in any register; but also that uniformity itself, and its duration are not to be considered of any great moment. For, however varied the forms of civil government may be, there is but one state of learning, and that ever was and ever will be the democratic. Now with the people at large, the doctrines that most prevail are either disputatious and violent, or specious and vain, and they either ensnare or allure assent. Hence, without question, the greatest wits have undergone violence in every age, whilst others of no vulgar capacity and understanding have still, from consulting their reputation, submitted themselves to the decision of time and the multitude. Wherefore, if more elevated speculations have perchance anywhere burst forth, they have been from time to time blown about by the winds of public opinion, and extinguished; so that time, like a river, has brought down all that was light and inflated, and has sunk what was weighty and solid. Nay, those very leaders who have usurped, as it were, a dictatorship in learning, and pronounce their opinion of things with so much confidence, will yet, when they occasionally return to their senses, begin to complain of the subtility of nature, the remoteness of truth, the obscurity of things, the complication of causes, and the weakness of human wit. They are not, however, more modest in this than in the forme rinstances, since they prefer framing an excuse of the common condition of men and things, to confessing their own defects. Besides, it is generally their practice, if some particular art fail to accomplish any object, to conclude that it cannot be accomplished by that art. But yet the art cannot be condemned, for she herself deliberates and decides the question; so that their only aim is to deliver their ignorance from ignominy. The following statement exhibits sufficiently well the state of knowledge delivered down and received by us. It is barren in effects, fruitful in questions, slow and languid in its improvement, exhibiting in its generality the counterfeit of perfection, but ill filled up in its details, popular in its choice, but suspected by its very promoters, and therefore bolstered up and countenanced with artifices. Even those who have been determined to try for themselves, to add their support to learning, and to enlarge its limits, have not dared entirely to desert received opinions, nor to seek the springhead of things. But they think they have done a great thing if they intersperse and contribute something of their own, prudently considering that by their assent they can save their modesty, and by their contributions their liberty. Whilst consulting, however, the opinions of others, and good manners, this admired moderation tends to the great injury of learning: for it is seldom in our power both to admire and surpass our author, but, like water, we rise not higher than the springhead whence we have descended. Such men, therefore, amend some things, but cause little advancement, and improve more than they enlarge knowledge. Yet there have not been wanting some, who, with greater daring, have considered every thing open to them, and, employing the force of their wit, have opened a passage for themselves and their dogmas by prostrating and destroying all before them; but this violence of theirs has not availed much, since they have not laboured to enlarge philosophy and the arts, both in their subject-matter and effect; but only to substitute new dogmas, and to transfer the empire of opinion to themselves, with but small advantage; for opposite errors proceed mostly from common causes. Even if some few, who neither dogmatise nor submit to dogmatism, have been so spirited as to request others to join them in investigation, yet have such, though honest in their zeal, been weak in their efforts. For they seem to have followed only probable reasoning, and are hurried in a continued whirl of arguments, till, by an indiscriminate license of inquiry, they have enervated the strictness of investigation. But not one has there been found of a disposition to dwell sufficiently on things themselves and experience. For some again, who have committed themselves to the waves of experience, and become almost mechanics, yet in their very experience employ an unsteady investigation, and war not with it by fixed rules. Nay, some have only proposed to themselves a few paltry tasks, and think it a great thing if they can work out one single discovery, a plan no less beggarly than unskilful. For no one examines thoroughly or successfully the nature of any thing in the thing itself, but after

a laborious variety of experiments, instead of pausing there, they set out upon some further inquiry. And we must by no means omit observing, that all the industry displayed in experiment, has, from the very first, caught with a too hasty and intemperate zeal at some determined effect; has sought (I say) productive rather than enlightening experiments, and has not imitated the Divine method, which on the first day created light alone, and assigned it one whole day, producing no material works thereon, but descending to their creation on the following days. Those who have attributed the pre-eminence to logic, and have thought that it afforded the safest support to learning, have seen very correctly and properly that man's understanding, when left to itself, is deservedly to be suspected. Yet the remedy is even weaker than the disease; nay, it is not itself free from disease. For the common system of logic, although most properly applied to civil matters, and such arts as lie in discussion and opinion, is far from reaching the subtility of nature, and, by catching at that which it cannot grasp, has done more to confirm, and, as it were, fasten errors upon us, than to open the way to truth.

To sum up, therefore, our observations, neither reliance upon others, nor their own industry, appear hitherto to have set forth learning to mankind in her best light, especially as there is little aid in such demonstrations and experiments as have yet reached us. For the fabric of this universe is like a labyrinth to the contemplative mind, where doubtful paths, deceitful imitations of things and their signs, winding and intricate folds and knots of nature everywhere present themselves, and a way must constantly be made through the forests of experience and particular natures, with the aid of the uncertain light of the senses, shining and disappearing by fits. But the guides who offer their services are (as has been said) themselves confused, and increase the number of wanderings and of wanderers. In so difficult a matter we must despair of man's unassisted judgment, or even of any casual good fortune: for neither the excellence of wit, however great, nor the die of experience, however frequently cast, can overcome such disadvantages. We must guide our steps by a clue, and the whole path, from the very first perceptions of our senses, must be secured by a determined method. Nor must I be thought to say, that nothing whatever has been done by so many and so much labour; for I regret not our discoveries, and the ancients have certainly shown themselves worthy of admiration in all that requires either wit or abstracted meditation. But, as in former ages, when men at sea used only to steer by their observations of the stars, they were indeed enabled to coast the shores of the Continent, or some small and inland seas; but before they could traverse the ocean and discover the regions of the new world, it was necessary that the use of the compass, a more trusty and certain guide on their voyage, should be first known; even so, the present discoveries in the arts and sciences are such as might be found out by meditation, observation, and discussion, as being more open to the senses and lying immediately beneath our common notions: but before we are allowed to enter the more remote and hidden parts of nature, it is necessary that a better and more perfect use and application of the human mind and understanding should be introduced.

We, for our part at least, overcome by the eternal love of truth, have committed ourselves to uncertain, steep, and desert tracks, and trusting and relying on Divine assistance, have borne up our mind against the violence of opinions, drawn up as it were in battle array, against our own internal doubts and scruples, against the mists and clouds of nature, and against fancies flitting on all sides around us: that we might at length collect some more trustworthy and certain indications for the living and posterity. And if we have made any way in this matter, no other method than the true and genuine humiliation of the human soul has opened it unto us. For all who before us have applied themselves to the discovery of the arts, after casting their eyes a while upon things, instances, and experience, have straightway invoked, as it were, some spirits of their own to disclose their oracles, as if invention were nothing but a species of thought. But we, in our subdued and perpetual intercourse with things, abstract our understanding no farther from them than is necessary to prevent the confusion of the images of things with their radiation, a confusion similar to that we experience by our senses: and thus but little is left for the powers and excellence of wit. And we have in teaching continued to show forth the humility, which we adopt in discovering. For we do not endeavour to assume or acquire any majestic state for these our discoveries, by the triumphs of confutation, the citing of antiquity, the usurpation of authority, or even the veil of obscurity, which would easily suggest themselves to one endeavouring to throw light upon his own name, rather than the minds of others. We have not, I say, practised either force or fraud [illegible]en's judgments, nor intend we so to do; but we conduct them to things themselves and the real connexion of things, that they may themselves behold what they possess, what they prove, what they add, and what they contribute to the common stock. If, however, we have in any matter given too easy credit, or slumbered and been too inadvertent, or have mistaken our road, and broken off inquiry, yet we exhibit things plainly and openly, so that our errors can be noted and separated before they corrupt any further the mass of sciences, and the continuation of our labours

is rendered easy and unembarrassed. And we think that by so doing we have established forever the real and legitimate union of the empiric and rational faculties, whose sullen and inauspicious divorces and repudiations have disturbed every thing in the great family of mankind.

Since, therefore, these matters are beyond our control, we in the beginning of our work pour forth most humble and ardent prayers to God the Father, God the Word, and God the Spirit, that, mindful of the cases of man, and of his pilgrimage through this life, in which we wear out some few and evil days, they would vouchsafe through our hands to endow the family of mankind with these new gifts; and we moreover humbly pray that human knowledge may not prejudice divine truth, and that no incredulity and darkness in regard to the divine mysteries may arise in our minds upon the disclosing of the ways of sense, and this greater kindling of our natural light; but rather that, from a pure understanding, cleared of all fancies and vanity, yet no less submitted to, nay, wholly prostrate before the divine oracles, we may render unto faith the tribute due unto faith. And, lastly, that being freed from the poison of knowledge, infused into it by the serpent, and with which the human soul is swoln and puffed up, we may neither be too profoundly nor immoderately wise, but worship truth in charity.

Having thus offered up our prayers, and turning our thoughts again towards man, we propound some salutary admonitions, and some just requests. First, then, we admonish mankind to keep their senses within the bounds of duty as regards divine objects. For the senses, like the sun, open the surface of the terrestrial globe, but close and seal up that of the celestial; next, that, whilst avoiding this error, they fall not into the contrary, which will surely be the case, if they think the investigation of nature to be in any part denied as if by interdict. For it was not that pure and innocent knowledge of nature, by which Adam gave names to things from their properties, that was the origin or occasion of the fall, but that ambitious and imperious appetite for moral knowledge, distinguishing good from evil, with the intent that man might revolt from God and govern himself, was both the cause and means of temptation. With regard to the sciences that contemplate nature, the sacred philosopher declares it to be "the glory of God to conceal a thing, but of the king to search it out,"* just as if the Divine Spirit were wont to be pleased with the innocent and gentle sport of children, who hide themselves that they may be found; and had chosen the human soul as a playmate out of his indulgence and goodness towards man. Lastly, we would in general admonish all to consider the true ends of knowledge, and not to seek it for the gratifications of their minds, or for disputation, or that they may despise others, or for emolument, or fame, or power, or such low objects, but for its intrinsic merit and the purposes of life, and that they would perfect and regulate it by charity. For from the desire of power the angels fell, and men from that of knowledge; but there is no excess in charity, and neither angel nor man was ever endangered by it.

The requests we make are three. Of ourselves we say nothing; but for the matter which we treat, we desire men not to regard it as an opinion, but as a work, and to hold it for certain that we are not laying the foundation of any sect or theory, but of that which will profit and dignify mankind. In the next place, that they should fairly consult their common advantage, laying aside the jealousies and prejudices of opinions, and themselves participate in the remaining labours, when they have been rescued by us from the errors and impediments of the road, and furnished with our defence and assistance. Moreover, that they should be strong in hope, and should not pretend or imagine that our instauration is an infinite work, surpassing human strength, since it is really an end and legitimate termination of infinite error, yet that they should still recollect the mortal lot of man, and not trust that the matter can be altogether perfected within the course of one age, but deliver it over to succeeding ages, and, finally, that they should not arrogantly search for the sciences in the narrow cells of human wit, but humbly in the greater world. That, however, which is empty is commonly vast, whilst solid matter is generally condensed, and lies in a small space. Lastly, we must require (lest any one should be disposed to injustice towards us in the very point on which our subject turns) that men would consider how far they imagine they can be permitted to comment and pass judgment on our work, after considering what it is necessary for us to claim for ourselves, if we would preserve any consistency, seeing we reject all human methods that are premature, anticipating, carelessly and too rapidly abstracted from things as regards the investigation of nature, considering them to be changeable, confused, and badly constructed; nor is it to be required that we should be judged by that which we ourselves arraign.

* Prov. xxv. 2.

THE DISTRIBUTION OF THE WORK.

IT CONSISTS OF SIX PARTS.

1. Divisions of the Sciences.
2. Novum Organum; or, Precepts for the Interpretation of Nature.
3. Phenomena of the Universe; or, Natural and Experimental History on which to found Philosophy.
4. Scale of the Understanding.
5. Precursors or Anticipations of the Second Philosophy.
6. Sound Philosophy, or Active Science.

THE ARGUMENTS OF THE SEVERAL PARTS.

One point of our design is, that every thing should be set out as openly and clearly as possible. For this nakedness, as once that of the body, is the companion of innocence and simplicity. The order and method of the work, therefore, shall first be explained. We divide it into six parts. The first part exhibits a summary, or universal description of such science and learning as mankind is, up to this time, in possession of. For we have thought fit to dwell a little even on received notions, with a view the more easily to perfect the old, and approach the new; being nearly equally desirous to improve the former and to attain the latter. This is of avail also towards our obtaining credit: according to the text, "The unlearned receives not the words of knowledge, unless you first speak of what is within his own heart."* We will not, therefore, neglect coasting the shores of the now received arts and sciences, and importing thither something useful on our passage.

But we also employ such a division of the sciences as will not only embrace what is already discovered and known, but what has hitherto been omitted and deficient. For there are both cultivated and desert tracts in the intellectual as in the terrestrial globe. It must not, therefore, appear extraordinary if we sometimes depart from the common divisions. For additions, whilst they vary the whole, necessarily vary the parts, and their subdivisions, but the received divisions are only adequate to the received summary of the sciences, such as it now exists.

With regard to what we shall note as omitted, we shall not content ourselves with offering the mere names and concise proofs of what is deficient: for if we refer any thing to omissions, of a high nature, and the meaning of which may be rather obscure, (so that we may have grounds to suspect that men will not understand our intention, or the nature of the matter we have embraced in our conception and contemplation,) we will always take care to subjoin to an instance of the whole, some precepts for perfecting it, or perhaps a completion of a part of it by ourselves. For, we consider it to concern our own character as well as the advantage of others, that no one may imagine a mere passing idea of such matters to have crossed our mind, and that what we desire and aim at resembles a wish; whilst in reality it is in the power of all men, if they be not wanting to themselves, and *we* ourselves are actually masters of a sure and clear method. For we have not undertaken to measure out regions in our mind, like augurs for divination, but like generals to invade them for conquest.—

And this is the first part of the work.

Having passed over the ancient arts, we will prepare the human understanding for pressing on beyond them. The object of the Second Part, then, is the doctrine touching a better and more perfect use of reasoning in the investigation of things, and the true helps of the understanding; that it may by this means be raised, as far as our human and mortal nature will admit, and be enlarged in its powers so as to master the arduous and obscure secrets of nature. And the art which we employ (and which we are wont to call the interpretation of nature) is a kind of logic. For common logic professes to contrive and prepare helps and guards for the understanding, and so far they agree. But ours differs from the common, chiefly in three respects, namely, in its end, the order of demonstration, and the beginning of the inquiry.

For the end of our science is not to discover arguments, but arts, nor what is agreeable to certain principles, but the principles themselves, nor probable reasons, but designations and indications of effects. Hence, from a diversity of intention follows a diversity of consequences. For, in the one an opponent is vanquished and constrained by argument, in the other, nature by effects.

And the nature and order of the demonstrations agree with this end. For in common logic almost our whole labour is spent upon the syllogism.

* Prov. xviii. 2. "A fool hath no delight in understanding but that his heart may discover itself." Bacon quotes from the Vulgate.

The logicians appear scarcely to have thought seriously of induction, passing it over with some slight notice, and hurrying on to the formulæ of dispute. But we reject the syllogistic demonstration, as being too confused, and letting nature escape from our hands. For, although nobody can doubt that those things which agree with the middle term agree with each other, (which is a sort of mathematical certainty,) nevertheless, there is this source of error, namely, that a syllogism consists of propositions, propositions of words, and words are but the tokens and signs of things. If, therefore, the notions of the mind (which are as it were the soul of words, and the basis of this whole structure and fabric) are badly and hastily abstracted from things, and vague, or not sufficiently defined and limited, or, in short, faulty (as they may be) in many other respects, the whole falls to the ground. We reject, therefore, the syllogism, and that not only as regards first principles, (to which even the logicians do not apply them,) but also in intermediate propositions, which the syllogism certainly manages in some way or other to bring out and produce, but then they are barren of effects, unfit for practice, and clearly unsuited to the active branch of the sciences. Although we would leave therefore to the syllogism, and such celebrated and applauded demonstrations, their jurisdiction over popular and speculative arts, (for here we make no alteration,) yet, in every thing relating to the nature of things, we make use of induction, both for our major and minor propositions. For we consider induction to be that form of demonstration which assists the senses, closes in upon nature, and presses on, and, as it were, mixes itself with action.

Hence also the order of demonstration is naturally reversed. For at present the matter is so managed, that from the senses and particular objects they immediately fly to the greatest generalities, as the axes round which their disputes may revolve: all the rest is deduced from them intermediately, by a short way we allow, but an abrupt one, and impassable to nature, though easy and well suited to dispute. But, by our method, axioms are raised up in gradual succession, so that we only at last arrive at generalities. And that which is most generalized, is not merely national but well defined, and really acknowledged by nature as well known to her, and cleaving to the very pith of things.

By far our greatest work, however, lies in the form of induction and the judgment arising from it. For the form of which the logicians speak, which proceeds by bare enumeration, is puerile, and its conclusions precarious, is exposed to danger from one contrary example, only considers what is habitual, and leads not to any final result.

The sciences, on the contrary, require a form of induction capable of explaining and separating experiments, and coming to a certain conclusion by a proper series of rejections and exclusions. If, however, the common judgment of the logicians has been so laborious, and has exercised such great wits, how much more must we labour in this which is drawn not only from the recesses of the mind, but the very entrails of nature.

Nor is this all, for we let down to a greater depth, and render more solid the very foundations of the sciences, and we take up the beginning of our investigation from a higher part than men have yet done, by subjecting those matters to examination which common logic receives upon the credit of others. For the logicians borrow the principles of one science from another, in the next place they worship the first formed notions of their minds, and, lastly, they rest contented with the immediate information of the senses, if well directed. But we have resolved that true logic ought to enter upon the several provinces of the sciences with a greater command than is possessed by their first principles, and to force those supposed principles to an account of the grounds upon which they are clearly determined. As far as relates to the first notions of the understanding, not any of the materials which the understanding, when left to itself, has collected, is unsuspected by us, nor will we confirm them unless they themselves be put upon their trial and be judged accordingly. Again, we have many ways of sifting the information of the senses themselves: for the senses assuredly deceive, though at the same time they disclose their errors: the errors, however, are close at hand, whilst their indication must be sought at a greater distance.

There are two faults of the senses: they either desert or deceive us. For in the first place there are many things which escape the senses, however well directed and unimpeded, owing either to the subtilty of the whole body, or the minuteness of its parts, or the distance of place, or the slowness or velocity of motion, or the familiarity of the object, or to other causes. Nor are the apprehensions of the senses very firm, when they grasp the subject; for the testimony and information of the senses bears always a relation to man and not to the universe, and it is altogether a great mistake to assert that our senses are the measure of things.

To encounter these difficulties, we have everywhere sought and collected helps for the senses with laborious and faithful service, in order to supply defects and correct errors: and that not so much by means of instruments, as by experiments. For experiments are much more delicate than the senses themselves, even when aided by instruments, at least if they are skilfully and scientifically imagined and applied to the required point. We attribute but little, therefore, to the immediate and proper perception of the senses,

but reduce the matter to this, that *they* should decide on the experiment, and the experiment on the subject of it. Wherefore, we consider that we have shown ourselves most observant priests of the senses, (by which all that exists in nature must be investigated if we would be rational,) and not unskilful interpreters of their oracles: for others seem to observe and worship them in word alone, but we in deed. These then are the means which we prepare for kindling and transmitting the light of nature: which would of themselves be sufficient, if the human understanding were plain and like a smoothed surface. But since the minds of men are so wonderfully prepossessed, that a clear and polished surface for receiving the true rays of things is wholly wanting, necessity urges us to seek a remedy for this also.

The images or idols by which the mind is preoccupied are either adventitious or innate. The adventitious have crept into the minds of men either from the dogmas and sects of philosophers, or the perverted rules of demonstration. But the innate are inherent to the very nature of the understanding, which appears to be much more prone to error than the senses. For however men may be satisfied with themselves, and rush into a blind admiration and almost adoration of the human mind, one thing is most certain, namely, that as an uneven mirror changes the rays proceeding from objects according to its own figure and position, so the mind when affected by things through the senses does not act in the most trustworthy manner, but inserts and mixes her own nature into that of things, whilst clearing and recollecting her notions.

The first two species of idols are *with difficulty* eradicated, the latter can never be so. We can only point them out, and note and demonstrate that insidious faculty of the mind, lest new shoots of error should happen to spring up, from the destruction of the old, on account of the mind's defective structure; and we should then find ourselves only exchanging instead of extinguishing errors; whilst it ought on the other hand to be eternally resolved and settled, that the understanding cannot decide otherwise than by induction and by a legitimate form of it. Wherefore the doctrine of the purifying of the understanding, so as to fit it for the reception of truth, consists of three reprehensions; the reprehension of the schemes of philosophy, the reprehension of methods of demonstration, and the reprehension of natural human reason. But when these have been gone through, and it has at last been clearly seen, what results are to be expected from the nature of things and the nature of the mind, we consider that we shall have prepared and adorned a nuptial couch for the mind and the universe; the divine goodness being our bridemaid. But let the prayer of our epithalamium be this; that from this union may spring assistance to man, and a race of such discoveries as will in some measure overcome his wants and necessities.—

And this is the second part of the work.

It is our intention not only to open and prepare the way, but also to enter upon it. The third part, therefore, of our work embraces the phenomena of the universe; that is to say, experience of every kind, and such a natural history as can form the foundation of an edifice of philosophy. For there is no method of demonstration, or form of interpreting nature, so excellent as to be able to afford and supply *matter* for knowledge, as well as to defend and support the mind against error and failure. But those who resolve not to conjecture and divine, but to discover and know, not to invent buffooneries and fables about worlds, but to inspect, and, as it were, dissect the nature of this real world, must derive all from things themselves. Nor can any substitution or compensation of wit, meditation, or argument, (were the whole wit of all combined in one,) supply the place of this labour, investigation, and personal examination of the world; our method then must necessarily be pursued, or the whole forever abandoned. But men have so conducted themselves hitherto, that it is little to be wondered at if nature do not disclose herself to them.

For in the first place the defective and fallacious evidence of our senses, a system of observation slothful and unsteady, as though acting from chance, a tradition vain and depending on common report, a course of practice intent upon effects, and servile, blind, dull, vague, and abrupt experiments, and lastly our careless and meagre natural history, have collected together, for the use of the understanding, the most defective materials as regards philosophy and the sciences.

In the next place, a preposterous refinement, and, as it were, ventilation of argument, is attempted as a late remedy for a matter become clearly desperate, and neither makes any improvement, nor removes errors. There remains no hope therefore of greater advancement and progress, unless by some restoration of the sciences.

But this must commence entirely with natural history. For it is useless to clean the mirror if it have no images to reflect, and it is manifest that we must prepare proper matter for the understanding as well as steady support. But our history, like our logic, differs in many respects, from the received, in its end or office, in its very matter and compilation, in its nicety, in its selection, and in its arrangements relatively to what follows.

For, in the first place, we begin with that species of natural history which is not so much calculated to amuse by the variety of its objects, or to offer immediate results by its experiments, as to throw a light upon the discovery of causes, and to present, as it were, its bosom as the first nurse of philosophy. For, although we regard principally effects and the active division of the sciences,

yet we wait for the time of harvest, and do not go about to reap moss and a green crop: being sufficiently aware that well formed axioms draw whole crowds of effects after them, and do not manifest their effects partially, but in abundance. But we wholly condemn and banish that unreasonable and puerile desire of immediately seizing some pledges as it were of new effects, which, like the apple of Atalanta, retard our course—such then is the office of our natural history.

With regard to its compilation, we intend not to form a history of nature at liberty and in her usual course, when she proceeds willingly and acts of her own accord, (as for instance the history of the heavenly bodies, meteors, the earth and sea, minerals, plants, animals,) but much rather a history of nature constrained and perplexed, as she is seen when thrust down from her proper rank and harassed and modelled by the art and contrivance of man. We will therefore go through all the experiments of the mechanical and the operative part of the liberal arts, and all those of different practical schemes which have not yet been put together so as to form a peculiar art: as far as we have been able to investigate them and it will suit our purpose. Besides, (to speak the truth,) without paying any attention to the pride of man, or to appearances, we consider this branch of much more assistance and support than the other: since the nature of things betrays itself more by means of the operations of art than when at perfect liberty.

Nor do we present the history of bodies alone, but have thought it moreover right to exert our diligence in compiling a separate history of properties: we mean those which may be called the cardinal properties of nature, and of which its very elements are composed, namely, matter with its first accidents and appetites, such as density, rarity, heat, cold, solidity, fluidity, weight, levity, and many others.

But, with regard to the nicety of natural history, we clearly require a much more delicate and simple form of experiments than those which are obvious. For we bring out and extract from obscurity many things which no one would have thought of investigating, unless he were proceeding by a sure and steady path to the discovery of causes; since they are in themselves of no great use, and it is clear that they were not sought for on their own account, but that they bear the same relation to things and effects, that the letters of the alphabet do to discourse and words, being useless indeed in themselves, but the elements of all language.

In the selection of our reports and experiments, we consider that we have been more cautious for mankind than any of our predecessors. For we admit nothing but as an eyewitness, or at least upon approved and rigorously examined testimony; so that nothing is magnified into the miraculous, but our reports are pure and unadulterated by fables and absurdity. Nay, the commonly received and repeated falsehoods, which by some wonderful neglect have held their ground for many ages and become inveterate, are by us distinctly proscribed and branded, that they may no longer molest learning. For, as it has been well observed, that the tales, superstitions, and trash which nurses instil into children, seriously corrupt their minds, so are we careful and anxious whilst managing and watching over the infancy, as it were, of philosophy committed to the charge of natural history, that it should not from the first become habituated to any absurdity. In every new and rather delicate experiment, although to us it may appear sure and satisfactory, we yet publish the method we employed, that, by the discovery of every attendant circumstance, men may perceive the possibly latent and inherent errors, and be roused to proofs of a more certain and exact nature, if such there be. Lastly, we intersperse the whole with advice, doubts, and cautions, casting out and restraining, as it were, all phantoms by a sacred ceremony and exorcism.

Finally, since we have learned how much experience and history distract the powers of the human mind, and how difficult it is (especially for young or prejudiced intellects) to become at the first acquainted with nature, we frequently add some observations of our own, by way of showing the first tendency, as it were, and inclination or aspect of history towards philosophy; thus assuring mankind that they will not always be detained in the ocean of history, and also preparing for the time when we shall come to the work of the understanding. And by such a natural history as we are describing, we think that safe and convenient access is opened to nature, and solid and ready matter furnished to the understanding.

But after furnishing the understanding with the most surest helps and precautions, and having completed, by a rigorous levy, a complete host of divine works, nothing remains to be done but to attack Philosophy herself. In a matter so arduous and doubtful, however, a few reflections must necessarily be here inserted, partly for instruction and partly for present use.

The first of these is, that we should offer some examples of our method and course of investigation and discovery, as exhibited in particular subjects; preferring the most dignified subjects of our inquiry, and such as differ the most from each other, so that in every branch we may have an example. Nor do we speak of those examples, which are added to particular precepts and rules by way of illustration, (for we have furnished them abundantly in the second part of our work,) but we mean actual types and models, calculated to place, as it were, before our eyes the whole process of the mind, and the continuous frame and order of discovery in particular subjects, selected

for their variety and importance. For we recollected that in mathematics, with the diagram before our eyes, the demonstration easily and clearly followed, but without this advantage every thing appeared intricate and more subtile than was really the case. We devote, therefore, the FOURTH PART of our work to such examples, which is in fact nothing more than a particular and fully developed application of the second part.

But the FIFTH PART is only used for a temporary purpose, whilst the rest are being perfected, and is paid down as interest, until the principal can be raised. For we rush not so blindly to our object, as to neglect any thing useful on our way. We compose this fifth part of the work therefore of those matters which we have either discovered, tried, or added; without, however, employing our own method and rules for interpretation, but merely making the same use of our understanding as others are wont to do in their investigations and discoveries. For, from our constant intercourse with nature, we both anticipate greater results from our meditations than the mere strength of our wit would warrant; and yet such results as have been mentioned may also serve as inns upon the road for the mind to repose itself a while on its way to more certain objects. We protest, in the mean time, against any great value being set upon that which has not been discovered or proved by the true form of interpretation. There is no reason, however, for any one to be alarmed at such suspense of judgment in our method of teaching, which does not assert absolutely that nothing can be known, but that nothing can be known without a determined order and method; and in the mean time has settled some determined gradations of certitude, until the mind can repose in the full developement of causes. Nor were those schools of philosophers, who professed absolute skepticism, inferior to the others which took upon themselves to dogmatise. They did not, however, prepare helps for the senses and understanding, as we have done, but at once abolished all belief and authority, which is totally different, nay, almost opposite matter.

Lastly, the SIXTH PART of our work (to which the rest are subservient and auxiliary) discloses and propounds that philosophy which is reared and formed by the legitimate, pure, and strict method of investigation previously taught and prepared. But it is both beyond our power and expectation to perfect and conclude this last part. We will, however, furnish no contemptible beginning, (if our hopes deceive us not,) and men's good fortune will furnish the result; such, perhaps, as men cannot easily comprehend or define in the present state of things and the mind. For we treat not only of contemplative enjoyment, but of the common affairs and fortune of mankind, and of a complete power of action. For man, as the minister and interpreter of nature does, and understands, as much as he has observed of the order, operation, and mind of nature; and neither knows nor is able to do more. Neither is it possible for any power to loosen or burst the chain of causes, nor is nature to be overcome except by submission. Therefore those two objects, human knowledge and power, are really the same; and failure in action chiefly arises from the ignorance of causes. For every thing depends upon our fixing the mind's eye steadily in order to receive their images exactly as they exist, and may God never permit us to give out the dream of our fancy as a model of the world, but rather in his kindness vouchsafe to us the means of writing a revelation and true vision of the traces and stamps of the Creator on his creatures.

May thou, therefore, O Father, who gavest the light of vision as the first-fruits of creation, and hast inspired the countenance of man with the light of the understanding as the completion of thy works, guard and direct this work, which, proceeding from thy bounty, seeks in return thy glory. When thou turnedst to look upon the works of thy hands, thou sawest that all were very good, and restedst. But man, when he turned towards the works of his hands, saw that they were all vanity and vexation of spirit, and had no rest. Wherefore, if we labour in thy works, thou wilt make us partakers of that which thou beholdest and of thy rest. We humbly pray that our present disposition may continue firm, and that thou mayest be willing to endow thy family of mankind with new gifts through our hands, and the hands of those to whom thou wilt accord the same disposition.

The First Part of the Instauration, which comprehends the Divisions of the Sciences, is wanting. But they can be partly taken from the Second Book, "On the Progress to be made in Divine and Human Learning."

Next followeth the Second Part of the Instauration, which exhibits the Art of interpreting Nature and of making a right Use of the Understanding; not, however, imbodied in a regular Treatise, but only summarily digested in Aphorisms.

THE SECOND PART OF THE WORK WHICH IS CALLED

NOVUM ORGANUM;

OR,

TRUE SUGGESTIONS FOR THE INTERPRETATION OF NATURE.

PREFACE.

They who have presumed to dogmatize on Nature, as on some well-investigated subject, either from self-conceit or arrogance, and in the professorial style, have inflicted the greatest injury on philosophy and learning. For they have tended to stifle and interrupt inquiry exactly in proportion as they have prevailed in bringing others to their opinion: and their own activity has not counterbalanced the mischief they have occasioned by corrupting and destroying that of others. They again who have entered upon a contrary course, and asserted that nothing whatever can be known, whether they have fallen into this opinion from their hatred of the ancient sophists, or from the hesitation of their minds, or from an exuberance of learning, have certainly adduced reasons for it which are by no means contemptible. They have not, however, derived their opinion from true sources, and, hurried on by their zeal, and some affectation, have certainly exceeded due moderation. But the more ancient Greeks (whose writings have perished) held a more prudent mean, between the arrogance of dogmatism, and the despair of skepticism; and though too frequently intermingling complaints and indignation at the difficulty of inquiry, and the obscurity of things, and champing, as it were, the bit, have still persisted in pressing their point, and pursuing their intercourse with nature: thinking, as it seems, that the better method was not to dispute upon the very point of the possibility of any thing being known, but to put it to the test of experience. Yet they themselves, by only employing the power of the understanding, have not adopted a fixed rule, but have laid their whole stress upon intense meditation, and a continual exercise and perpetual agitation of the mind.

Our method, though difficult in its operation, is easily explained. It consists in determining the degrees of certainty, whilst we, as it were, restore the senses to their former rank, but generally reject that operation of the mind which follows close upon the senses, and open and establish a new and certain course for the mind from the first actual perceptions of the senses themselves. This no doubt was the view taken by those who have assigned so much to logic; showing clearly thereby that they sought some support for the mind, and suspected its natural and spontaneous mode of action. But this is now employed too late as a remedy, when all is clearly lost, and after the mind, by the daily habit and intercourse of life, has become prepossessed with corrupted doctrines, and filled with the vainest idols. The art of logic therefore being (as we have mentioned) too late a precaution, and in no way remedying the matter, has tended more to confirm errors, than to disclose truth. Our only remaining hope and salvation is to begin the whole labour of the mind again; not leaving it to itself, but directing it perpetually from the very first, and attaining our end as it were by mechanical aid. If men, for instance, had attempted mechanical labours with their hands alone, and without the power and aid of instruments, as they have not hesitated to carry on the labours of their understanding with the unaided efforts of their mind, they would have been able to move and overcome but little, though they had exerted their utmost and united powers. And, just to pause a while on this comparison, and look into it as a mirror; let us ask, if any obelisk of a remarkable size were perchance required to be moved, for the purpose of gracing a triumph or any similar pageant, and men were to attempt it with their bare hands, would not any sober spectator avow it to be an act of the greatest madness? And if they should increase the number of workmen, and imagine that they could thus succeed, would he not think so still more? But if they chose to make a selection, and to remove the weak, and only employ the strong and vigorous, thinking by this means, at any rate, to achieve their object, would he not say that they were more fondly deranged? Nay, if, not content with this, they were to determine on consulting the athletic art, and were to give orders for all to appear with their hands, arms, and muscles regularly oiled and prepared, would

he not exclaim that they were taking pains to rave by method and design? Yet men are hurried on with the same senseless energy and useless combination in intellectual matters, so long as they expect great results either from the number and agreement, or the excellence and acuteness of their wits; or even strengthen their minds with logic, which may be considered as an athletic preparation, but yet do not desist (if we rightly consider the matter) from applying their own understandings merely with all this zeal and effort. Whilst nothing is more clear, than that in every great work executed by the hand of man without machines or implements, it is impossible for the strength of individuals to be increased, or for that of the multitude to combine.

Having premised so much, we lay down two points on which we would admonish mankind, lest they should fail to see or to observe them. The first of these is: that it is our good fortune, (as we consider it,) for the sake of extinguishing and removing contradiction and irritation of mind, to leave the honour and reverence due to the ancients, untouched and undiminished, so that we can perform our intended work, and yet enjoy the benefit of our respectful moderation. For if we should profess to offer something better than the ancients, and yet should pursue the same course as they have done, we could never, by any artifice, contrive to avoid the imputation of having engaged in a contest or rivalry as to our respective wits, excellences, or talents; which, though neither inadmissible or new, (for why should we not blame and point out any thing that is imperfectly discovered or laid down by them, of our own right, a right common to all,) yet, however just and allowable, would perhaps be scarcely an equal match, on account of the disproportion of our strength. But, since our present plan leads us to open an entirely different course to the understanding, and one unattempted and unknown to them, the case is altered. There is an end to party zeal, and we only take upon ourselves the character of a guide, which requires a moderate share of authority and good fortune, rather than talents and excellence. This first admonition relates to persons, the next to things.

We make no attempt to disturb the system of philosophy that now prevails, or any other which may or will exist, either more correct or more complete. For we deny not that the received system of philosophy, and others of a similar nature, encourage discussion, embellish harangues, are employed and are of service in the duties of the professor, and the affairs of civil life. Nay, we openly express and declare that the philosophy we offer will not be very useful in such respects. It is not obvious, nor to be understood in a cursory view, nor does it flatter the mind in its preconceived notions, nor will it descend to the level of the generality of mankind, unless by its advantages and effects.

Let there exist then (and may it be of advantage to both) two sources, and two distributions of learning, and in like manner two tribes, and as it were kindred families of contemplators or philosophers, without any hostility or alienation between them; but rather allied and united by mutual assistance. Let there be, in short, one method of cultivating the sciences, and another of discovering them. And as for those who prefer and more readily receive the former, on account of their haste, or from motives arising from their ordinary life, or because they are unable from weakness of mind to comprehend and embrace the other, (which must necessarily be the case with by far the greater number,) let us wish that they may prosper as they desire in their undertaking, and attain what they pursue. But if any individual desire and is anxious not merely to adhere to and make use of present discoveries, but to penetrate still further, and not to overcome his adversaries in disputes, but nature by labour, not, in short, to give elegant and specious opinions, but to *know* to a certainty and demonstration, let him, as a true son of science, (if such be his wish,) join with us; that when he has left the antechambers of nature trodden by the multitude, an entrance at last may be discovered to her inner apartments. And, in order to be better understood, and to render our meaning more familiar by assigning determinate names, we have accustomed ourselves to call the one method the anticipation of the mind, and the other the interpretation of nature.

We have still one request left. We have at least reflected and taken pains in order to render our propositions not only true, but of easy and familiar access to men's minds, however wonderfully prepossessed and limited. Yet it is but just that we should obtain this favour from mankind, (especially in so great a restoration of learning and the sciences,) that whosoever may be desirous of forming any determination upon an opinion of this our work, either from his own perceptions, or the crowd of authorities, or the forms of demonstrations, he will not expect to be able to do so in a cursory manner, and whilst attending to other matters; but in order to have a thorough knowledge of the subject, will himself by degrees attempt the course which we describe and maintain; will become accustomed to the subtilty of things which is manifested by experience; and will correct the depraved and deeply rooted habits of his mind by a seasonable and as it were just hesitation: and then finally (if he will) use his judgment when he has begun to be master of himself.

SUMMARY OF THE SECOND PART,

DIGESTED IN APHORISMS.

APHORISMS ON THE INTERPRETATION OF NATURE AND THE EMPIRE OF MAN.

1. MAN, as the minister and interpreter of nature, does and understands as much as his observations on the order of nature, either with regard to things or the mind, permit him, and neither knows nor is capable of more.

2. The unassisted hand, and the understanding left to itself, possess but little power. Effects are produced by the means of instruments and helps, which the understanding requires no less than the hand. And as instruments either promote or regulate the motion of the hand, so those that are applied to the mind prompt or protect the understanding.

3. Knowledge and human power are synonymous, since the ignorance of the cause frustrates the effect. For nature is only subdued by submission, and that which in contemplative philosophy corresponds with the cause, in practical science becomes the *rule*.

4. Man, whilst operating, can only apply or withdraw natural bodies; nature, internally, performs the rest.

5. Those who become practically versed in nature, are the mechanic, the mathematician, the physician, the alchymist, and the magician; but all (as matters now stand) with faint efforts and meagre success.

6. It would be madness, and inconsistency, to suppose that things which have never yet been performed, can be performed without employing some hitherto untried means.

7. The creations of the mind and hand appear very numerous, if we judge by books and manufactures: but all that variety consists of an excessive refinement, and of deductions from a few well known matters; not of a number of axioms.

8. Even the effects already discovered are due to chance and experiment, rather than to the sciences. For our present sciences are nothing more than peculiar arrangements of matters already discovered, and not methods for discovery, or plans for new operations.

9. The sole cause and root of almost every defect in the sciences is this; that whilst we falsely admire and extol the powers of the human mind, we do not search for its real helps.

10. The subtilty of nature is far beyond that of sense or of the understanding: so that the specious meditations, speculations, and theories of mankind, are but a kind of insanity, only there is no one to stand by and observe it.

11. As the present sciences are useless for the discovery of effects, so the present system of logic is useless for the discovery of the sciences.

12. The present system of logic rather assists in confirming and rendering inveterate the errors founded on vulgar notions, than in searching after truth; and is therefore more hurtful than useful.

13. The syllogism is not applied to the principles of the sciences, and is of no avail in intermediate axioms, as being very unequal to the subtilty of nature. It forces assent, therefore, and not things.

14. The syllogism consists of propositions, propositions of words, words are the signs of notions. If, therefore, the notions (which form the basis of the whole) be confused and carelessly abstracted from things, there is no solidity in the superstructure. Our only hope, then, is in genuine induction.

15. We have no sound notions either in logic or physics; substance, quality, action, passion, and existence are not clear notions; much less, weight, levity, density, tenuity, moisture, dryness, generation, corruption, attraction, repulsion, element, matter, form, and the like. They are all fantastical and ill defined.

16. The notions of less abstract natures, as man, dog, dove; and the immediate perceptions of sense, as heat, cold, white, black, do not deceive us materially, yet even these are sometimes confused by the mutability of matter and the intermixture of things. All the rest, which men have hitherto employed, are errors; and improperly abstracted and deduced from things.

17. There is the same degree of licentiousness and error in forming axioms, as in abstracting notions: and that in the first principles, which depend on common induction. Still more is this the case in axioms and inferior propositions derived from syllogisms.

18. The present discoveries in science are such as lie immediately beneath the surface of common notions. It is necessary, however, to penetrate

the more secret and remote parts of nature, in order to abstract both notions and axioms from things, by a more certain and guarded method.

19. There are and can exist but two ways of investigating and discovering truth. The one hurries on rapidly from the senses and particulars to the most general axioms; and from them as principles and their supposed indisputable truth derives and discovers the intermediate axioms. This is the way now in use. The other constructs its axioms from the senses and particulars, by ascending continually and gradually, till it finally arrives at the most general axioms, which is the true but unattempted way.

20. The understanding when left to itself proceeds by the same way as that which it would have adopted under the guidance of logic, namely, the first. For the mind is fond of starting off to generalities, that it may avoid labour, and after dwelling a little on a subject is fatigued by experiment. But these evils are augmented by logic, for the sake of the ostentation of dispute.

21. The understanding when left to itself in a man of a steady, patient, and reflecting disposition, (especially when unimpeded by received doctrines,) makes some attempt in the right way, but with little effect; since the understanding, undirected and unassisted, is unequal to and unfit for the task of vanquishing the obscurity of things.

22. Each of these two ways begins from the senses and particulars, and ends in the greatest generalities. But they are immeasurably different; for the one merely touches cursorily the limits of experiment, and particulars, whilst the other runs duly and regularly through them; the one from the very outset lays down some abstract and useless generalities, the other gradually rises to those principles which are really the most common in nature.

23. There is no small difference between the *idols* of the human mind, and the *ideas* of the divine mind; that is to say, between certain idle dogmas, and the real stamp and impression of created objects, as they are found in nature.

24. Axioms determined upon in argument can never assist in the discovery of new effects: for the subtilty of nature is vastly superior to that of argument. But axioms properly and regularly abstracted from particulars, easily point out and define new particulars, and therefore impart activity to the sciences.

25. The axioms now in use are derived from a scanty handful, as it were, of experience, and a few particulars of frequent occurrence, whence they are of much the same dimensions or extent as their origin. And if any neglected or unknown instance occurs, the axiom is saved by some frivolous distinction, when it would be more consistent with truth to amend it.

26. We are wont, for the sake of distinction, to call that human reasoning which we apply to nature, the anticipation of nature, (as being rash and premature;) and that which is properly deduced from things, the interpretation of nature.

27. Anticipations are sufficiently powerful in producing unanimity, for if men were all to become even uniformly mad, they might agree tolerably well with each other.

28. Anticipations again will be assented to much more readily than interpretations; because, being deduced from a few instances, and these principally of familiar occurrence, they immediately hit the understanding, and satisfy the imagination; whilst, on the contrary, interpretations, being deduced from various subjects, and these widely dispersed, cannot suddenly strike the understanding; so that, in common estimation, they must appear difficult and discordant, and almost like the mysteries of faith.

29. In sciences founded on opinions and dogmas, it is right to make use of anticipations and logic, if you wish to force assent rather than things.

30. If all the capacities of all ages should unite and combine and transmit their labours, no great progress will be made in learning by anticipations; because the radical errors, and those which occur in the first process of the mind, are not cured by the excellence of subsequent means and remedies.

31. It is in vain to expect any great progress in the sciences by the superinducing or engrafting new matters upon old. An instauration must be made from the very foundations, if we do not wish to revolve forever in a circle, making only some slight and contemptible progress.

32. The ancient authors, and all others, are left in undisputed possession of their honours. For we enter into no comparison of capacity or talent, but of method; and assume the part of a guide, rather than of a critic.

33. To speak plainly, no correct judgment can be formed, either of our method, or its discoveries, by those anticipations which are now in common use; for it is not to be required of us to submit ourselves to the judgment of the very method we ourselves arraign.

34. Nor is it an easy matter to deliver and explain our sentiments: for those things which are in themselves new can yet be only understood from some analogy to what is old.

35. Alexander Borgia said of the expedition of the French into Italy, that they came with chalk in their hands to mark up their lodgings, and not with weapons to force their passage. Even so do we wish our philosophy to make its way quietly into those minds that are fit for it, and of good capacity. For we have no need of contention where we differ in first principles, and our very notions, and even in our forms of demonstration.

36. We have but one simple method of deliver-

ing our sentiments: namely, we must bring men to particulars, and their regular series and order, and they must for a while renounce their notions and begin to form an acquaintance with things.

37. Our method and that of the skeptics agree in some respects at first setting out: but differ most widely and are completely opposed to each other in their conclusion. For they roundly assert that nothing can be known; we, that but a small part of nature can be known by the present method. Their next step, however, is to destroy the authority of the senses and understanding, whilst we invent and supply them with assistance.

38. The idols and false notions which have already preoccupied the human understanding, and are deeply rooted in it, not only to beset men's minds, that they become difficult of access, but, even when access is obtained, will again meet and trouble us in the instauration of the sciences, unless mankind, when forewarned, guard themselves with all possible care against them.

39. Four species of idols beset the human mind: to which (for distinction's sake) we have assigned names: calling the first idols of the tribe; the second idols of the den; the third idols of the market; the fourth idols of the theatre.

40. The formation of notions and axioms on the foundation of true induction, is the only fitting remedy, by which we can ward off and expel these idols. It is, however, of great service to point them out. For the doctrine of idols bears the same relation to the interpretation of nature, as that of confutation of sophisms does to common logic.

41. The idols of the tribe are inherent in human nature, and the very tribe or race of man. For man's sense is falsely asserted to be the standard of things. On the contrary, all the perceptions, both of the senses and the mind, bear reference to man, and not to the universe, and the human mind resembles those uneven mirrors, which impart their own properties to different objects, from which rays are emitted, and distort and disfigure them.

42. The idols of the den are those of each individual. For everybody (in addition to the errors common to the race of man) has his own individual den or cavern, which intercepts and corrupts the light of nature; either from his own peculiar and singular disposition, or from his education and intercourse with others, or from his reading, and the authority acquired by those whom he reverences and admires, or from the different impressions produced on the mind, as it happens to be preoccupied and predisposed, or equable and tranquil, and the like: so that the spirit of man (according to its several dispositions) is variable, confused, and as it were actuated by chance; and Heraclitus said well that men search for knowledge in lesser worlds, and not in the greater or common world.

43. There are also idols formed by the reciprocal intercourse and society of man with man, which we call idols of the market, from the commerce and association of men with each other. For men converse by means of language; but words are formed at the will of the generality; and there arises from a bad and unapt formation of words a wonderful obstruction to the mind. Nor can the definitions and explanations, with which learned men are wont to guard and protect themselves in some instances, afford a complete remedy: words still manifestly force the understanding, throw every thing into confusion, and lead mankind into vain and innumerable controversies and fallacies.

44. Lastly, there are idols which have crept into men's minds from the various dogmas of peculiar systems of philosophy, and also from the perverted rules of demonstration, and these we denominate idols of the theatre. For we regard all the systems of philosophy hitherto received or imagined, as so many plays brought out and performed, creating fictitious and theatrical worlds. Nor do we speak only of the present systems, or of the philosophy and sects of the ancients, since numerous other plays of a similar nature can be still composed and made to agree with each other, the causes of the most opposite errors being generally the same. Nor, again, do we allude merely to general systems, but also to many elements and axioms of sciences, which have become inveterate by tradition, implicit credence, and neglect. We must, however, discuss each species of idols more fully and distinctly, in order to guard the human understanding against them.

45.* The human understanding, from its peculiar nature, easily supposes a greater degree of order and equality in things than it really finds; and although many things in nature be sui generis, and most irregular, will yet invent parallels and conjugates, and relatives, where no such thing is. Hence the fiction, that all celestial bodies were in perfect circles, thus rejecting entirely spiral and serpentine lines, (except as explanatory terms.) Hence, also, the element of fire is introduced with its peculiar orbit, to keep square with those other three which are objects of our senses. The relative rarity of the elements (as they are called) is arbitrarily made to vary in tenfold progression, with many other dreams of the like nature. Nor is this folly confined to theories, but it is to be met with even in simple notions.

46. The human understanding, when any proposition has been once laid down, (either from general admission and belief, or from the pleasure

* Hence to Aphorism 53 treats of the idols of the tribe.

it affords,) forces every thing else to add fresh support and confirmation; and although more cogent and abundant instances may exist to the contrary, yet either does not observe or despises them, or gets rid of and rejects them by some distinction, with violent and injurious prejudice, rather than sacrifice the authority of its first conclusions. It was well answered by him who was shown in a temple the votive tablets suspended by such as had escaped the peril of shipwreck, and was pressed as to whether he would then recognise the power of the gods, by an inquiry; "But where are the portraits of those who have perished in spite of their vows?" All superstition is much the same, whether it be that of astrology, dreams, omens, retributive judgment, or the like; in all of which the deluded believers observe events which are fulfilled, but neglect and pass over their failure, though it be much more common. But this evil insinuates itself still more craftily in philosophy and the sciences; in which a settled maxim vitiates and governs every other circumstance, though the latter be much more worthy of confidence. Besides, even in the absence of that eagerness and want of thought, (which we have mentioned,) it is the peculiar and perpetual error of the human understanding to be more moved and excited by affirmatives than by negatives, whereas it ought duly and regularly to be impartial; nay, in establishing any true axiom, the negative instance is the most powerful.

47. The human understanding is most excited by that which strikes and enters the mind at once and suddenly, and by which the imagination is immediately filled and inflated. It then begins almost imperceptibly to conceive and suppose that every thing is similar to the few objects which have taken possession of the mind; whilst it is very slow and unfit for the transition to the remote and heterogeneous instances, by which axioms are tried as by fire, unless the office be imposed upon it by severe regulations, and a powerful authority.

48. The human understanding is active and cannot halt or rest, but even, though without effect, still presses forward. Thus we cannot conceive of any end or external boundary of the world, and it seems necessarily to occur to us, that there must be something beyond. Nor can we imagine how eternity has flowed on down to the present day, since the usually received distinction of an infinity, *a parte ante* and *a parte post*, cannot hold good: for it would thence follow that one infinity is greater than another, and also that infinity is wasting away and tending to an end. There is the same difficulty in considering the infinite divisibility of lines, arising from the weakness of our minds, which weakness interferes to still greater disadvantage with the discovery of causes. For, although the greatest generalities in nature must be positive, just as they are found, and in fact not *causable*, yet, the human understanding, incapable of resting, seeks for something more intelligible. Thus, however, whilst aiming at further progress, it falls back to what is actually less advanced, namely, final causes; for they are clearly more allied to man's own nature than the system of the universe; and from this source they have wonderfully corrupted philosophy. But he would be an unskilful and shallow philosopher, who should seek for causes in the greatest generalities, and not be anxious to discover them in subordinate objects.

49. The human understanding resembles not a *dry light*, but admits a tincture of the will and passions, which generate their own system accordingly: for man always believes more readily that which he prefers. He, therefore, rejects difficulties for want of patience in investigation; sobriety, because it limits his hope; the depths of nature, from superstition; the light of experiment, from arrogance and pride, lest his mind should appear to be occupied with common and varying objects; paradoxes, from a fear of the opinion of the vulgar; in short, his feelings imbue and corrupt his understanding in innumerable and sometimes imperceptible ways.

50. But by far the greatest impediment and aberration of the human understanding proceeds from the dulness, incompetency, and errors of the senses: since whatever strikes the senses preponderates over every thing, however superior, which does not immediately strike them. Hence contemplation mostly ceases with sight; and a very scanty, or perhaps no regard is paid to invisible objects. The entire operation, therefore, of spirits enclosed in tangible bodies is concealed and escapes us. All that more delicate change of formation in the parts of coarser substances (vulgarly called alteration, but in fact a change of position in the smallest particles) is equally unknown; and yet, unless the two matters we have mentioned be explored and brought to light, no great effect can be produced in nature. Again, the very nature of common air, and all bodies of less density (of which there are many) is almost unknown. For the senses are weak and erring, nor can instruments be of great use in extending their sphere or acuteness; all the better interpretations of nature are worked out by instances, and fit and apt experiments, where the senses only judge of the experiment, the experiment of nature and the thing itself.

51. The human understanding is, by its own nature, prone to abstraction, and supposes that which is fluctuating to be fixed. But it is better to dissect than abstract nature; such was the method employed by the school of Democritus, which made greater progress in penetrating nature than the rest. It is best to consider matter, its

conformation, and the changes of that conformation, its own action, and the law of this action or motion, for forms are a mere fiction of the human mind, unless you will call *the laws of action* by that name. Such are the idols of the tribe, which arise either from the uniformity of the constitution of man's spirit, or its prejudices, or its limited faculties, or restless agitation, or from the interference of the passions, or the incompetency of the senses, or the mode of their impressions.

53. The idols* of the den derive their origin from the peculiar nature of each individual's mind and body; and also from education, habit, and accident. And although they be various and manifold, yet we will treat of some that require the greatest caution, and exert the greatest power in polluting the understanding.

54. Some men become attached to particular sciences and contemplations, either from supposing themselves the authors and inventors of them, or from having bestowed the greatest pains upon such subjects, and thus become most habituated to them. If men of this description apply themselves to philosophy and contemplations of an universal nature, they wrest and corrupt them by their preconceived fancies; of which Aristotle affords us a signal instance, who made his natural philosophy completely subservient to his logic, and thus rendered it little more than useless and disputatious. The chymists, again, have formed a fanciful philosophy with the most confined views, from a few experiments of the furnace. Gilbert, too, having employed himself most assiduously in the consideration of the magnet, immediately established a system of philosophy to coincide with his favourite pursuit.

55. The greatest, and, perhaps, radical distinction between different men's dispositions for philosophy and the sciences is this; that some are more vigorous and active in observing the differences of things, others in observing their resemblances. For a steady and acute disposition can fix its thoughts, and dwell upon, and adhere to a point, through all the refinements of differences; but those that are sublime and discursive recognise and compare even the most delicate and general resemblances. Each of them readily falls into excess, by catching either at nice distinctions or shadows of resemblance.

56. Some dispositions evince an unbounded admiration of antiquity, others eagerly embrace novelty; and but few can preserve the just medium, so as neither to tear up what the ancients have correctly laid down, nor to despise the just innovations of the moderns. But this is very prejudicial to the sciences and philosophy, and, instead of a correct judgment, we have but the factions of the ancients and moderns. Truth is not to be sought in the good fortune of any particular conjuncture of time, which is uncertain, but in the light of nature and experience, which is eternal. Such factions, therefore, are to be abjured, and the understanding must not allow them to hurry it on to assent.

57. The contemplation of nature and of bodies in their individual form distracts and weakens the understanding: but the contemplation of nature and of bodies in their general composition and formation stupifies and relaxes it. We have a good instance of this in the school of Leucippus and Democritus compared with others: for they applied themselves so much to particulars as almost to neglect the general structure of things, whilst the others were so astounded whilst gazing on the structure, that they did not penetrate the simplicity of nature. These two species of contemplation must therefore be interchanged, and each employed in its turn, in order to render the understanding at once penetrating and capacious, and to avoid the inconveniences we have mentioned, and the idols that result from them.

58. Let such, therefore, be our precautions in contemplation, that we may ward off and expel the idols of the den: which mostly owe their birth either to some predominant pursuit; or, secondly, to an excess in synthesis and analysis; or, thirdly, to a party zeal in favour of certain ages; or, fourthly, to the extent or narrowness of the subject. In general, he who contemplates nature should suspect whatever particularly takes and fixes his understanding, and should use so much the more caution to preserve it equable and unprejudiced.

59. The idols* of the market are the most troublesome of all, those, namely, which have entwined themselves round the understanding from the associations of words and names. For men imagine that their reason governs words, whilst, in fact, words react upon the understanding; and this has rendered philosophy and the sciences sophistical and inactive. Words are generally formed in a popular sense, and define things by those broad lines which are most obvious to the vulgar mind; but when a more acute understanding, or more diligent observation is anxious to vary those lines, and to adapt them more accurately to nature, words oppose it. Hence the great and solemn disputes of learned men often terminate in controversies about words and names, in regard to which it would be better (imitating the caution of mathematicians) to proceed more advisedly in the first instance, and to bring such disputes to a regular issue by definitions. Such definitions, however, cannot remedy the evil in natural and material objects, because they consist themselves of words, and these words produce others; so that we must necessarily have recourse to particular instances, and their regular

* Hence to Aphorism 59, treats of the idols of the den.

* Hence to Aphorism 61, treats of the idols of the market.

series and arrangement, as we shall mention when we come to the mode and scheme of determining notions and axioms.

60. The idols imposed upon the understanding by words are of two kinds. They are either the names of things which have no existence, (for, as some objects are from inattention left without a name, so names are formed by fanciful imaginations which are without an object,) or they are the names of actual objects, but confused, badly defined, and hastily and irregularly abstracted from things. Fortune, the primum mobile, the planetary orbits, the element of fire, and the like fictions, which owe their birth to futile and false theories, are instances of the first kind. And this species of idols is removed with greater facility, because it can be exterminated by the constant refutation or the desuetude of the theories themselves. The others, which are created by vicious and unskilful abstraction, are intricate and deeply rooted. Take some word for instance, as *moist;* and let us examine how far the different significations of this word are consistent. It will be found that the word *moist* is nothing but a confused sign of different actions, admitting of no settled and defined uniformity. For it means that which easily diffuses itself over another body; that which is indeterminable and cannot be brought to a consistency; that which yields easily in every direction; that which is easily divided and dispersed; that which is easily united and collected; that which easily flows and is put in motion; that which easily adheres to and wets another body; that which is easily reduced to a liquid state, though previously solid. When, therefore, you come to predicate or impose this name, in one sense flame is moist, in another air is not moist, in another fine powder is moist, in another glass is moist; so that it is quite clear that this notion is hastily abstracted from water only, and common, ordinary liquors, without any due verification of it.

There are, however, different degrees of distortion and mistake in words. One of the least faulty classes is that of the names of substances, particularly of the less abstract and more defined species; (those then of *chalk* and *mud* are good, of *earth*, bad;) words signifying actions are more faulty, as to *generate*, to *corrupt*, to *change;* but the most faulty are those denoting qualities, (except the immediate objects of sense,) as *heavy*, *light*, *rare*, *dense*. Yet in all of these there must be some notions a little better than others, in proportion as a greater or less number of things come before the senses.

61. The idols of the theatre* are not innate, nor do they introduce themselves secretly into the understanding; but they are manifestly instilled and cherished by the fictions of theories and depraved rules of demonstration. To attempt, however, or undertake their confutation, would not be consistent with our declarations. For, since we neither agree in our principles nor our demonstrations, all argument is out of the question. And it is fortunate that the ancients are left in possession of their honours. We detract nothing from them, seeing our whole doctrine relates only to the path to be pursued. The lame (as they say) in the path outstrip the swift, who wander from it, and it is clear that the very skill and swiftness of him who runs not in the right direction, must increase his aberration.

Our method of discovering the sciences is such as to leave little to the acuteness and strength of wit, and indeed rather to level wit and intellect. For, as in the drawing of a straight line or accurate circle by the hand, much depends upon its steadiness and practice, but if a ruler or compass be employed there is little occasion for either; so it is with our method. Although, however, we enter into no individual confutations, yet a little must be said, first, of the sects and general divisions of these species of theories; secondly, something further to show that there are external signs of their weakness, and, lastly, we must consider the causes of so great a misfortune, and so long and general a unanimity in error, that we may thus render the access to truth less difficult, and that the human understanding may the more readily be purified, and brought to dismiss its idols.

62. The idols of the theatre or of theories are numerous, and may and perhaps will be still more so. For, unless men's minds had been now occupied for many ages in religious and theological considerations, and civil governments (especially monarchies) had been averse to novelties of that nature, even in theory, (so that men must apply to them with some risk and injury to their own fortunes, and not only without reward, but subject to contumely and envy,) there is no doubt that many other sects of philosophers and theorists would have been introduced, like those which formerly flourished in such diversified abundance amongst the Greeks. For, as many imaginary theories of the heavens can be deduced from the phenomena of the sky, so it is even more easy to found many dogmas upon the phenomena of philosophy; and the plot of this our theatre resembles those of the poetical, where the plots which are invented for the stage are more consistent, elegant, and pleasurable than those taken from real history.

In general, men take for the groundwork of their philosophy either too much from a few topics, or too little from many; in either case their philosophy is founded on too narrow a basis of experiment and natural history, and decides on too scanty grounds. For the theoretic philosopher seizes various common circumstances by experi-

* Hence to Aphorism 68, treats of the idols of the theatre.

ment, without reducing them to certainty, or examining and frequently considering them, and relies for the rest upon meditation and the activity of his wit.

There are other philosophers who have diligently and accurately attended to a few experiments, and have thence presumed to deduce and invent systems of philosophy, forming every thing to conformity with them.

A third set, from their faith and religious veneration, introduce theology and traditions; the absurdity of some amongst them having proceeded so far as to seek and derive the sciences from spirits and genii. There are, therefore, three sources of error and three species of false philosophy; the sophistic, empiric, and superstitious.

63. Aristotle affords the most eminent instance of the first; for he corrupted natural philosophy by logic: thus, he formed the world of categories, assigned to the human soul, the noblest of substances, a genus determined by words of secondary operation, treated of density and rarity (by which bodies occupy a greater or lesser space) by the frigid distinctions of action and power, asserted that there was a peculiar and proper motion in all bodies, and that if they shared in any other motion, it was owing to an external moving cause, and imposed innumerable arbitrary distinctions upon the nature of things; being everywhere more anxious as to definitions in teaching, and the accuracy of the wording of his propositions, than the internal truth of things. And this is best shown by a comparison of his philosophy with the others of greatest repute among the Greeks. For the similar parts of Anaxagoras, the atoms of Leucippus and Democritus, the heaven and earth of Parmenides, the discord and concord of Empedocles, the resolution of bodies into the common nature of fire, and their condensation, according to Heraclitus, exhibit some sprinkling of natural philosophy, the nature of things, and experiment, whilst Aristotle's physics are mere logical terms, and he remodelled the same subject in his metaphysics under a more imposing title, and more as a realist than a nominalist. Nor is much stress to be laid on his frequent recourse to experiment in his books on animals, his problems, and other treatises; for he had already decided, without having properly consulted experience as the basis of his decisions and axioms, and after having so decided, he drags experiment along, as a captive constrained to accommodate herself to his decisions; so that he is even more to be blamed than his modern followers, (of the scholastic school,) who have deserted her altogether.

64. The empiric school produces dogmas of a more deformed and monstrous nature than the sophistic or theoretic school: not being founded in the light of common notions, (which, however poor and superficial, is yet in a manner universal and of a general tendency,) but in the confined obscurity of a few experiments. Hence this species of philosophy appears probable and almost certain to those who are daily practised in such experiments, and have thus corrupted their imagination, but incredible and futile to others. We have a strong instance of this in the alchymists and their dogmas; it would be difficult to find another in this age, unless, perhaps, in the philosophy of Gilbert.* We could not, however, neglect to caution others against this school, because we already foresee and augur, that if men be hereafter induced by our exhortations to apply seriously to experiments, (bidding farewell to the sophistic doctrines,) there will then be imminent danger from empirics, owing to the premature and forward haste of the understanding, and its jumping or flying to generalities and the principles of things. We ought, therefore, already to meet the evil.

65. The corruption of philosophy by the mixing of it up with superstition and theology is of a much wider extent, and is most injurious to it, both as a whole and in parts. For the human understanding is no less exposed to the impressions of fancy, than to those of vulgar notions. The disputatious and sophistic school entraps the understanding, whilst the fanciful, bombastic, and, as it were, poetical school rather flatters it. There is a clear example of this among the Greeks, especially in Pythagoras, where, however, the superstition is coarse and overcharged, but it is more dangerous and refined in Plato and his school. This evil is found also in some branches of other systems of philosophy, where it introduces abstracted forms, final and first causes, omitting frequently the intermediate, and the like. Against it we must use the greatest caution; for the apotheosis of error is the greatest evil of all, and when folly is worshipped, it is, as it were, a plague-spot upon the understanding. Yet, some of the moderns have indulged this folly, with such consummate inconsiderateness, that they have endeavoured to build a system of natural philosophy on the first chapter of Genesis, the book of Job, and other parts of Scripture; seeking thus the dead amongst the living. And this folly is the more to be prevented and restrained, because not only fantastical philosophy but heretical religion spring from the absurd mixture of matters divine and human. It is, therefore, most wise soberly to render unto faith the things that are faith's.

66. Having spoken of the vicious authority of the systems founded either on vulgar notions, or on a few experiments, or on superstition, we must now consider the faulty subjects for contemplation, especially in natural philosophy. The

* It is thus the Vulcanists and Neptunians have framed their opposite theories in geology. Phrenology is a modern instance of hasty generalization.

human understanding is perverted by observing the power of mechanical arts, in which bodies are very materially changed by composition or separation, and is induced to suppose that something similar takes place in the universal nature of things. Hence the fiction of elements, and their co-operation in forming natural bodies. Again, when man reflects upon the entire liberty of nature, he meets with particular species of things, as animals, plants, minerals, and is thence easily led to imagine that there exist in nature certain primary forms which she strives to produce, and that all variation from them arises from some impediment or error which she is exposed to in completing her work, or from the collision or metamorphosis of different species. The first hypothesis has produced the doctrine of *elementary properties*, the second that of *occult properties and specific powers*: and both lead to trifling courses of reflection, in which the mind acquiesces, and is thus diverted from more important subjects. But physicians exercise a much more useful labour in the consideration of the secondary qualities of things, and the operations of attraction, repulsion, attenuation, inspissation, dilatation, astringency, separation, maturation, and the like; and would do still more if they would not corrupt these proper observations by the two systems I have alluded to, of elementary qualities and specific powers, by which they either reduce the secondary to first qualities, and their subtile and immeasurable composition, or at any rate neglect to advance by greater and more diligent observation to the third and fourth qualities, thus terminating their contemplation prematurely. Nor are these powers (or the like) to be investigated only among the medicines of the human body, but also in all changes of other natural bodies.

A greater evil arises from the contemplation and investigation rather of the stationary principles of things, *from which*, than of the active, *by which* things themselves are created. For the former only serve for discussion, the latter for practice. Nor is any value to be set on those common differences of motion which are observed in the received system of natural philosophy, as generation, corruption, augmentation, diminution, alteration, and translation. For this is their meaning: if a body, unchanged in other respects, is moved from its place, this is *translation*; if the place and species be given, but the quantity changed, it is *alteration*; but if, from such a change, the mass and quantity of the body do not continue the same, this is the motion of *augmentation* and *diminution*; if the change be continued so as to vary the species and substance, and transfuse them to others, this is *generation* and *corruption*. All this is merely popular, and by no means penetrates into nature; and these are but the measures and bounds of motion, and not different species of it; they merely suggest *how far*, and not *how* or *whence*. For they exhibit neither the affections of bodies, nor the process of their parts, but merely establish a division of that motion, which coarsely exhibits to the senses matter in its varied form. Even when they wish to point out something relative to the causes of motion, and to establish a division of them, they most absurdly introduce *natural* and *violent* motion, which is also a popular notion, since every violent motion is also in fact *natural*, that is to say, the external efficient puts nature in action in a different manner to that which she had previously employed.

But if, neglecting these, any one were for instance to observe, that there is in bodies a tendency of adhesion, so as not to suffer the unity of nature to be completely separated or broken, and a vacuum to be formed; or that they have a tendency to return to their natural dimensions or tension, so that, if compressed or extended within or beyond it, they immediately strive to recover themselves, and resume their former volume and extent; or that they have a tendency to congregate into masses with similar bodies, the dense, for instance, towards the circumference of the earth, the thin and rare towards that of the heavens, these and the like are true physical genera of motions, but the others are clearly logical and scholastic, as appears plainly from a comparison of the two.

Another considerable evil is, that men in their systems and contemplations bestow their labour upon the investigation and discussion of the principles of things and the extreme limits of nature, although all utility and means of action consist in the intermediate objects. Hence men cease not to abstract nature till they arrive at potential and shapeless matter, and still persist in their dissection, till they arrive at atoms; and yet, were all this true, it would be of little use to advance man's estate.

67. The understanding must also be cautioned against the intemperance of systems, so far as regards its giving or withholding its assent; for such intemperance appears to fix and perpetuate idols, so as to leave no means of removing them.

These excesses are of two kinds. The first is seen in those who decide hastily, and render the sciences positive and dictatorial. The other in those who have introduced skepticism, and vague, unbounded inquiry. The former subdues, the latter enervates the understanding. The Aristotelian philosophy, after destroying other systems (as the Ottomans do their brethren) by its disputations, confutations, decided upon every thing, and Aristotle himself then raises up questions at will, in order to settle them; so that every thing should be certain and decided, a method now in use among his successors.

The school of Plato introduced skepticism, first, as it were, in joke and irony, from their dislike

to Protagoras, Hippias, and others, who were ashamed of appearing not to doubt upon any subject. But the new academy dogmatized in their skepticism, and held it as their tenet. Although this method be more honest than arbitrary decision, (for its followers allege that they by no means confound all inquiry, like Pyrrho and his disciples, but hold doctrines which they can follow as probable, though they cannot maintain them to be true,) yet, when the human mind has once despaired of discovering truth, every thing begins to languish. Hence men turn aside into pleasant controversies and discussions, and into a sort of wandering over subjects, rather than sustain any rigorous investigation. But, as we observed at first, we are not to deny the authority of the human senses and understanding, although weak; but rather to furnish them with assistance.

68. We have now treated of each kind of idols, and their qualities; all of which must be abjured and renounced with firm and solemn resolution, and the understanding must be completely freed and cleared of them; so that the access to the kingdom of man, which is founded on the sciences, may resemble that to the kingdom of heaven, where no admission is conceded except to children.

69. Vicious demonstrations are the muniments and support of idols, and those which we possess in logic, merely subject and enslave the world to human thoughts, and thoughts to words. But demonstrations are, in some manner, themselves systems of philosophy and science. For such as *they* are, and accordingly as they are regularly or improperly established, such will be the resulting systems of philosophy and contemplation. But those which we employ in the whole process leading from the senses and things to axioms and conclusions, are fallacious and incompetent. This process is fourfold, and the errors are in equal number. In the first place the impressions of the senses are erroneous, for they fail and deceive us. We must supply defects by substitutions, and fallacies by their correction. 2dly. Notions are improperly abstracted from the senses, and indeterminate and confused when they ought to be the reverse. 3dly. The induction that is employed is improper, for it determines the principles of sciences by simple enumeration, without adopting the exclusions, and resolutions, or just separations of nature. Lastly, the usual method of discovery and proof, by first establishing the most general propositions, then applying and proving the intermediate axioms according to them, is the parent of error and the calamity of every science. But we will treat more fully of that which we now slightly touch upon, when we come to lay down the true way of interpreting nature, after having gone through the above expiatory process and purification of the mind.

70. But experience is by far the best demonstration, provided it adhere to the experiment actually made; for if that experiment be transferred to other subjects apparently similar, unless with proper and methodical caution, it becomes fallacious. The present method of experiment is blind and stupid. Hence men wandering and roaming without any determined course, and consulting mere chance, are hurried about to various points, and advance but little; at one time they are happy, at another their attention is distracted, and they always find that they want something further. Men generally make their experiments carelessly, and as it were in sport, making some little variation in a known experiment, and then, if they fail, they become disgusted and give up the attempt: nay, if they set to work more seriously, steadily, and assiduously, yet they waste all their time on probing some solitary matter; as Gilbert on the magnet, and the alchymists on gold. But such conduct shows their method to be no less unskilful than mean. For nobody can successfully investigate the nature of any object by considering that object alone; the inquiry must be more generally extended.

Even when men build any science and theory upon experiment, yet they almost always turn with premature and hasty zeal to practice, not merely on account of the advantage and benefit to be derived from it, but in order to seize upon some security in a new undertaking of their not employing the remainder of their labour unprofitably; and by making themselves conspicuous, to acquire a greater name for their pursuit. Hence, like Atalanta, they leave the course to pick up the golden apple, interrupting their speed, and giving up the victory. But, in the true course of experiment, and in extending it to new effects, we should imitate the Divine foresight and order. For God, on the first day, only created light, and assigned a whole day to that work, without creating any material substance thereon. In like manner, we must first, by every kind of experiment, elicit the discovery of causes and true axioms, and seek for experiments which may afford light rather than profit. Axioms, when rightly investigated and established, prepare us not for a limited but abundant practice, and bring in their train whole troops of effects. But we will treat hereafter of the ways of experience, which are not less beset and interrupted than those of judgment; having spoken at present of common experience only as a bad species of demonstration, the order of our subject now requires some mention of those external signs of the weakness in practice of the received systems of philosophy and contemplation,* which we referred to above, and of the causes of a circumstance at first sight so wonderful and incredible. For the knowledge of these external signs prepares the

* See Ax. 61, towards the end. This subject extends to Ax. 78.

way for assent, and the explanation of the causes removes the wonder; and these two circumstances are of material use in extirpating more easily and gently the idols from the understanding.

71. The sciences we possess have been principally derived from the Greeks: for the addition of the Roman, Arabic, or more modern writers are but few, and of small importance; and, such as they are, are founded on the basis of Greek invention But the wisdom of the Greeks was professional and disputatious, and thus most adverse to the investigation of truth. The name, therefore, of sophists, which the contemptuous spirit of those who deemed themselves philosophers, rejected and transferred to the rhetoricians, Gorgias, Protagoras, Hippias, Polus, might well suit the whole tribe, such as Plato, Aristotle, Zeno, Epicurus, Theophrastus, and their successors, Chrysippus, Carneades, and the rest. There was only this difference between them, the former were mercenary vagabonds, travelling about to different states, making a show of their wisdom and requiring pay; the latter, more dignified and noble, in possession of fixed habitations, opening schools, and teaching philosophy gratuitously. Both, however, (though differing in other respects,) were professorial, and reduced every subject to controversy, establishing and defending certain sects and dogmas of philosophy: so that their doctrines were nearly (what Dionysius not unaptly objected to Plato) "the talk of idle old men to ignorant youths." But the more ancient Greeks, as Empedocles, Anaxagoras, Leucippus, Democritus, Parmenides, Heraclitus, Xenophanes, Philolaus, and the rest, (for I omit Pythagoras, as being superstitious,) did not (that we are aware) open schools; but betook themselves to the investigation of truth with greater silence, and with more severity and simplicity: that is, with less affectation and ostentation. Hence, in our opinion, they acted more advisedly, however their works may have been eclipsed in course of time by those lighter productions which better correspond with and please the apprehensions and passions of the vulgar: for time, like a river, bears down to us that which is light and inflated, and sinks that which is heavy and solid. Nor were even these more ancient philosophers free from the natural defect, but inclined too much to the ambition and vanity of forming a sect, and captivating public opinion; and we must despair of any inquiry after truth, when it condescends to such trifles. Nor must we omit the opinion or rather prophecy of an Egyptian priest with regard to the Greeks, "that they would for ever remain children, without any antiquity of knowledge or knowledge of antiquity." For they certainly have this in common with children, that they are prone to talking and incapable of generation, their wisdom being loquacious, and unproductive of effects. Hence the external signs derived from the origin and birthplace of our present philosophy are not favourable.

72. Nor are those much better which can be deduced from the character of the time and age, than the former from that of the country and nation. For in that age the knowledge both of time and of the world was confined and meagre, which is one of the worst evils for those who rely entirely on experience. They had not a thousand years of history, worthy of that name, but mere fables and ancient traditions. They were acquainted with but a small portion of the regions and countries of the world—for they indiscriminately called all nations situated far towards the north Scythians, all those to the west Celts; they knew nothing of Africa, but the nearest part of Ethiopia, or of Asia beyond the Ganges, and had not even heard any sure and clear tradition of the region of the new world. Besides, a vast number of climates and zones, in which innumerable nations live and breathe, were pronounced by them to be uninhabitable, nay, the travels of Democritus, Plato, and Pythagoras, which were not extensive, but rather mere excursions from home, were considered as something vast. But in our times many parts of the new world, and every extremity of the old are well known, and the mass of experiments has been infinitely increased. Wherefore, if external signs were to be taken from the time of the nativity or procreation, (as in astrology,) nothing extraordinary could be predicted of these early systems of philosophy.

73. Of all signs there is none more certain or worthy than that of the fruits produced: for the fruits and effects are the sureties and vouchers, as it were, for the truth of philosophy. Now, from the systems of the Greeks and their subordinate divisions in particular branches of the sciences during so long a period, scarcely one single experiment can be culled that has a tendency to elevate or assist mankind, and can be fairly set down to the speculations and doctrines of their philosophy. Celsus candidly and wisely confesses as much, when he observes that experiments were first discovered in medicine, and that men afterwards built their philosophical systems upon them, and searched for and assigned causes, instead of the inverse method of discovering and deriving experiments from philosophy and the knowledge of causes. It is not, therefore, wonderful that the Egyptians (who bestowed divinity and sacred honours on the authors of new inventions) should have consecrated more images of brutes than of men; for the brutes, by their natural instinct, made many discoveries, whilst men discovered but few from discussion and the conclusions of reason.

The industry of the alchymists has produced some effect, by chance, however, and casualty, or from varying their experiments, (as mechanics also do,) and not from any regular art or theory; the

theory they have imagined rather tending to disturb than to assist experiment. Those, too, who have occupied themselves with natural magic, (as they term it,) have made but few discoveries, and those of small import, and bordering on imposture. For which reason, in the same manner as we are cautioned by religion to show our faith by our works, we may very properly apply the principle to philosophy, and judge of it by its works; accounting that to be futile which is unproductive, and still more so, if instead of grapes and olives it yield but the thistle and thorns of dispute and contention.

74. Other signs may be selected from the increase and progress of particular systems of philosophy and the sciences. For those which are founded on nature grow and increase, whilst those which are founded on opinion change, and increase not. If, therefore, the theories we have mentioned were not like plants torn up by the roots, but grew in the womb of nature and were nourished by her; that which for the last two thousand years has taken place would never have happened: namely, that the sciences still continue in their beaten track, and nearly stationary without having received any important increase; nay, having, on the contrary, rather bloomed under the hands of their first author, and then faded away. But we see that the case is reversed in the mechanical arts, which are founded on nature and the light of experience, for they (as long as they are popular) seem full of life, and uninterruptedly thrive and grow, being at first rude, then convenient, lastly polished, and perpetually improved.

75. There is yet another sign, (if such it may be termed, being rather an evidence, and one of the strongest nature,) namely, the actual confession of those very authorities whom men now follow. For even they who decide on things so daringly, yet, at times, when they reflect, betake themselves to complaints about the subtilty of nature, the obscurity of things, and the weakness of man's wit. If they would merely do this, they might perhaps deter those who are of a timid disposition from further inquiry, but would excite and stimulate those of a more active and confident turn to further advances. They are not, however, satisfied with confessing so much of themselves, but consider every thing which has been either unknown or unattempted by themselves or their teachers, as beyond the limits of possibility; and thus, with most consummate pride and envy, convert the defects of their own discoveries into a calumny on nature, and a source of despair to every one else. Hence arose the new academy, which openly professed skepticism and consigned mankind to eternal darkness. Hence the notion that forms, or the true differences of things, (which are in fact the laws of simple action,) are beyond man's reach, and cannot possibly be discovered. Hence those notions in the active and operative branches; that the heat of the sun and of fire are totally different, so as to prevent men from supposing that they can elicit or form, by means of fire, any thing similar to the operations of nature; and, again, that composition only is the work of man and mixture of nature, so as to prevent men from expecting the generation or transformation of natural bodies by art. Men will, therefore, easily allow themselves to be persuaded by this sign, not to engage their fortunes and labour in speculations, which are not only desperate, but actually devoted to desperation.

76. Nor should we omit the sign afforded by the great dissension formerly prevalent among philosophers, and the variety of schools, which sufficiently show that the way was not well prepared, that leads from the senses to the understanding, since the same groundwork of philosophy (namely, the nature of things) was torn and divided into such widely differing and multifarious errors. And although, in these days, the dissensions and differences of opinions with regard to first principles and entire systems are nearly extinct, yet there remain innumerable questions and controversies with regard to particular branches of philosophy. So that it is manifest that there is nothing sure or sound either in the systems themselves or in the methods of demonstration.

77. With regard to the supposition that there is a general unanimity as to the philosophy of Aristotle, because the other systems of the ancients ceased and became obsolete on its promulgation, and nothing better has been since discovered; whence it appears that it is so well determined and founded as to have united the suffrages of both ages; we will observe—1st. That the notion of other ancient systems having ceased after the publication of the works of Aristotle is false, for the works of the ancient philosophers subsisted long after that event, even to the time of Cicero and the subsequent ages. But at a later period, when human learning had, as it were, been wrecked in the inundation of barbarians into the Roman empire, then the systems of Aristotle and Plato were preserved in the waves of ages, like blanks of a lighter and less solid nature. 2d. The notion of unanimity on a clear inspection is found to be fallacious. For true unanimity is that which proceeds from a free judgment arriving at the same conclusion after an investigation of the fact. Now, by far the greater number of those who have assented to the philosophy of Aristotle, have bound themselves down to it, from prejudice and the authority of others, so that it is rather obsequiousness and concurrence than unanimity. But even if it were real and extensive unanimity, so far from being esteemed a true and solid confirmation, it should lead to a violent presumption to the contrary. For there is no worse augury in intellectual matters than that derived *from* unanimity, with the ex-

ception of divinity and politics, where suffrages are allowed to decide. For nothing pleases the multitude, unless it strike the imagination or bind down the understanding, as we have observed above, with the shackles of vulgar notions. Hence we may well transfer Phocion's remark from morals to the intellect: "That men should immediately examine what error or fault they have committed, when the multitude concurs with and applauds them." This, then, is one of the most unfavourable signs. All the signs, therefore, of the truth and soundness of the received systems of philosophy and the sciences are unpropitious, whether taken from their origin, their fruits, their progress, the confessions of their authors, or from unanimity.

78. We now come to the causes of errors,* and of such perseverance in them for ages. These are sufficiently numerous and powerful to remove all wonder that what we now offer should have so long been concealed from and have escaped the notice of mankind, and to render it more worthy of astonishment, that it should even now have entered any one's mind or become the subject of his thoughts; and that it should have done so, we consider rather the gift of fortune than of any extraordinary talent, and as the offspring of time rather than wit. But, in the first place, the number of ages is reduced to very narrow limits on a proper consideration of the matter. For, out of twenty-five centuries, with which the memory and learning of man are conversant, scarcely six can be set apart and selected as fertile in science and favourable in its progress. For there are deserts and wastes in times as in countries, and we can only reckon up three revolutions and epochs of philosophy. 1. The Greek. 2. The Roman. 3. Our own, that is, the philosophy of the western nations of Europe: and scarcely two centuries can with justice be assigned to each. The intermediate ages of the world were unfortunate, both in the quantity and richness of the sciences produced. Nor need we mention the Arabs or the scholastic philosophy which, in those ages, ground down the sciences by their numerous treatises more than they increased their weight. The first cause, then, of such insignificant progress in the sciences is rightly referred to the small proportion of time which has been favourable thereto.

79. A second cause offers itself, which is certainly of the greatest importance; namely, that in those very ages in which men's wit, and literature flourished considerably, or even moderately, but a small part of their industry was bestowed on natural philosophy, the great mother of the sciences. For every art and science torn from this root may, perhaps, be polished and put into a serviceable shape, but can admit of little growth. It is well known that after the Christian religion had been acknowledged and arrived at maturity, by far the best wits were busied upon theology, where the highest rewards offered themselves, and every species of assistance was abundantly supplied, and the study of which was the principal occupation of the western European nations during the third epoch; the rather because literature flourished about the very time when controversies concerning religion first began to bud forth. 2. In the preceding ages, during the second epoch, (that of the Romans,) philosophical meditation and labour was chiefly occupied and wasted in moral philosophy, (the theology of the heathens:) besides, the greatest minds in these times applied themselves to civil affairs, on account of the magnitude of the Roman empire, which required the labour of many. 3. The age during which natural philosophy appeared principally to flourish among the Greeks was but a short period, since in the more ancient times the seven sages (with the exception of Thales) applied themselves to moral philosophy and politics, and at a later period after Socrates had brought down philosophy from heaven to earth, moral philosophy became more prevalent, and diverted men's attention from natural. Nay, the very period during which physical inquiries flourished, was corrupted and rendered useless by contradictions and the ambition of new opinions. Since, therefore, during these three epochs, natural philosophy has been materially neglected or impeded, it is not at all surprising that men should have made but little progress in it, seeing they were attending to an entirely different matter.

80. Add to this that natural philosophy, especially of late, has seldom gained exclusive possession of an individual free from all other pursuits, even amongst those who have applied themselves to it, unless there may be an example or two of some monk studying in his cell, or some nobleman in his villa. She has rather been made a passage and bridge to other pursuits.

Thus has this great mother of the sciences been degraded most unworthily to the situation of an handmaid, and made to wait upon medicine or mathematical operations, and to wash the immature minds of youth, and imbue them with a first dye, that they may afterwards be more ready to receive and retain another. In the mean time let no one expect any great progress in the sciences, (especially their operative part,) unless natural philosophy be applied to particular sciences, and particular sciences again referred back to natural philosophy. For want of this, astronomy, optics, music, many mechanical arts, medicine itself, and (what perhaps is more wonderful) moral and political philosophy, and the logical sciences have no depth, but only glide over the surface and variety of things; because these sciences, when they have been once partitioned out and esta-

* See end of Axiom 61. This subject extends to Axiom 93.

blished, are no longer nourished by natural philosophy, which would have imparted fresh vigour and growth to them from the sources and genuine contemplation of motion, rays, sounds, texture, and confirmation of bodies, and the affections and capacity of the understanding. But we can little wonder that the sciences grow not when separated from their roots.

81. There is another powerful and great cause of the little advancement of the sciences, which is this: it is impossible to advance properly in the course when the goal is not properly fixed. But the real and legitimate goal of the sciences is the endowment of human life with new inventions and riches. The great crowd of teachers know nothing of this, but consist of dictatorial hirelings: unless it so happen that some artisan of an acute genius and ambitious of fame gives up his time to a new discovery, which is generally attended with a loss of property. The majority, so far from proposing to themselves the augmentation of the mass of arts and sciences, make no other use of an inquiry into the mass already before them, than is afforded by the conversion of it to some use in their lectures, or to gain, or to the acquirement of a name and the like. But if one out of the multitude be found, who courts science from real zeal and on its own account, even he will be seen rather to follow contemplation and the variety of theories than a severe and strict investigation of truth. Again, if there even be an unusually strict investigator of truth, yet will he propose to himself as the test of truth the satisfaction of his mind and understanding, as to the causes of things long since known, and not such a test as to lead to some new earnest of effects, and a new light in axioms. If, therefore, no one have laid down the real end of science, we cannot wonder that there should be error in points subordinate to that end.

82. But, in like manner as the end and goal of science is ill defined, so, even were the case otherwise, men have chosen an erroneous and impassable direction. For it is sufficient to astonish any reflecting mind, that nobody should have cared or wished to open and complete a way for the understanding, setting off from the senses, and regular, well conducted experiment; but that every thing has been abandoned either to the mists of tradition, the whirl and confusion of argument, or the waves and mazes of chance, and desultory, ill-combined experiment. Now, let any one but consider soberly and diligently the nature of the path men have been accustomed to pursue in the investigation and discovery of any matter, and he will doubtless first observe the rude and inartificial manner of discovery most familiar to mankind: which is no other than this. When any one prepares himself for discovery, he first inquires and obtains a full account of all that has been said on the subject by others, then adds his own reflections, and stirs up and, as it were, invokes his own spirit, after much mental labour, to disclose its oracles. All which is a method without foundation and merely turns on opinion.

Another perhaps calls in logic to assist him in discovery, which bears only a nominal relation to his purpose. For the discoveries of logic are not discoveries of principles and leading axioms, but only of what appears to accord with them. And when men become curious and importunate and give trouble, interrupting her about her proofs and the discovery of principles or first axioms, she puts them off with her usual answer, referring them to faith, and ordering them to swear allegiance to each art in its own department.

There remains but mere experience, which when it offers itself is called chance; when it is sought after, experiment. But this kind of experience is nothing but a loose faggot, and mere groping in the dark, as men at night try all means of discovering the right road, whilst it would be better and more prudent either to wait for day or procure a light and then proceed. On the contrary the real order of experience begins by setting up a light, and then shows the road by it, commencing with a regulated and digested, not a misplaced and vague course of experiment, and thence deducing axioms, and from those axioms new experiments: for not even the Divine Word proceeded to operate on the general mass of things without due order.

Let men therefore cease to wonder if the whole course of science be not run, when all have wandered from the path; quitting entirely and deserting experience, or involving themselves in its mazes, and wandering about, whilst a regularly combined system would lead them in a sure track through its wilds to the open day of axioms.

83. The evil, however, has been wonderfully increased by an opinion, or inveterate conceit, which is both vainglorious and prejudicial, namely, that the dignity of the human mind is lowered by long and frequent intercourse with experiments and particulars, which are the objects of sense and confined to matter; especially since such matters generally require labour in investigation, are mean subjects for meditation, harsh in discourse, unproductive in practice, infinite in number, and delicate in their subtilty. Hence we have seen the true path not only deserted, but intercepted and blocked up, experience being rejected with disgust, and not merely neglected or improperly applied.

84. Again, the reverence for antiquity and the authority of men who have been esteemed great in philosophy, and general unanimity, have retarded men from advancing in science, and almost enchanted them. As to unanimity, we have spoken of it above.

The opinion which men cherish of antiquity is altogether idle, and scarcely accords with the

term. For the old age and increasing years of the world should in reality be considered as antiquity, and this is rather the character of our own times than of the less advanced age of the world in those of the ancients. For the latter, with respect to ourselves, are ancient and elder, with respect to the world, modern and younger. And as we expect a greater knowledge of human affairs and more mature judgment from an old man, than from a youth, on account of his experience, and the variety and number of things he has seen, heard, and meditated upon; so we have reason to expect much greater things of our own age, (if it knew but its strength and would essay and exert it,) than from antiquity, since the world has grown older, and its stock has been increased and accumulated with an infinite number of experiments and observations. We must also take into our consideration that many objects in nature fit to throw light upon philosophy have been exposed to our view and discovered by means of long voyages and travels, in which our times have abounded. It would indeed be dishonourable to mankind, if the regions of the material globe, the earth, the sea, and stars should be so prodigiously developed and illustrated in our age, and yet the boundaries of the intellectual globe should be confined to the narrow discoveries of the ancients.

With regard to authority, it is the greatest weakness to attribute infinite credit to particular authors, and to refuse his own prerogative to time, the author of all authors, and, therefore, of all authority. For, truth is rightly named the daughter of time, not of authority. It is not wonderful, therefore, if the bonds of antiquity, authority, and unanimity, have so enchained the power of man, that he is unable (as if bewitched) to become familiar with things themselves.

85. Nor is it only the admiration of antiquity, authority, and unanimity, that has forced man's industry to rest satisfied with present discoveries, but also the admiration of the effects already placed within his power. For, whoever passes in review the variety of subjects, and the beautiful apparatus collected and introduced by the mechanical arts for the service of mankind, will certainly be rather inclined to admire our wealth than to perceive our poverty; not considering that the observations of man and operations of nature (which are the souls and first movers of that variety) are few, and not of deep research; the rest must be attributed merely to man's patience and the delicate and well regulated motion of the hand or of instruments. To take an instance, the manufactory of clocks is delicate and accurate, and appears to imitate the heavenly bodies in its wheels, and the pulse of animals in its regular oscillation, yet it only depends upon one or two axioms of nature.

Again, if one consider the refinement of the liberal arts, or even that exhibited in the preparation of natural bodies in mechanical arts and the like; as the discovery of the heavenly motions in astronomy, of harmony in music, of the letters of the alphabet (still unadopted by the Chinese) in grammar; or, again, in mechanical operations, the productions of Bacchus and Ceres, that is, the preparation of wine and beer, the making of bread, or even the luxuries of the table, distillation, and the like; if one reflect also and consider for how long a period of ages (for all the above, except distillation, are ancient) these things have been brought to their present state of perfection, and, as we instanced in clocks, to how few observations and axioms of nature they may be referred, and how easily, and, as it were, by obvious chance or contemplation they might be discovered, one would soon cease to admire and rather pity the human lot, on account of its vast want and dearth of things and discoveries for so many ages. Yet, even the discoveries we have mentioned were more ancient than philosophy, and the intellectual arts; so that, to say the truth, when contemplation and doctrinal science began, the discovery of useful works ceased.

But if any one turn from the manufactories to libraries, and be inclined to admire the immense variety of books offered to our view, let him but examine and diligently inspect the matter and contents of these books, and his astonishment will certainly change its object: for when he finds no end of repetitions, and how much men do and speak the same thing over again, he will pass from admiration of this variety to astonishment at the poverty and scarcity of matter, which has hitherto possessed and filled men's minds.

But if any one should condescend to consider such sciences as are deemed rather curious than sound, and take a full view of the operations of the alchymists or magi, he will perhaps hesitate whether he ought rather to laugh or to weep. For the alchymist cherishes eternal hope, and when his labours succeed not, accuses his own mistakes, deeming, in his self-accusation, that he has not properly understood the words of art, or of his authors; upon which he listens to tradition and vague whispers, or imagines there is some slight unsteadiness in the minute details of his practice, and then has recourse to an endless repetition of experiments: and, in the mean time, when in his casual experiments he falls upon something in appearance new, or of some degree of utility, he consoles himself with such an earnest, and ostentatiously publishes them, keeping up his hope of the final result. Nor can it be denied that the alchymists have made several discoveries, and presented mankind with useful inventions. But we may well apply to them the fable of the old man, who bequeathed to his sons some gold buried in his garden, pretending not to know the exact spot, whereupon they worked diligently in digging the vineyard, and though they found no

gold, the vintage was rendered more abundant by their labour.

The followers of natural magic, who explain every thing by sympathy and antipathy, have assigned false powers and marvellous operations to things, by gratuitous and idle conjectures: and if they have ever produced any effects, they are rather wonderful and novel than of any real benefit or utility.

In superstitious magic, (if we say any thing at all about it,) we must chiefly observe, that there are only some peculiar and definite objects with which the curious and superstitious arts have in every nation and age, and even under every religion, been able to exercise and amuse themselves. Let us, therefore, pass them over. In the mean time we cannot wonder that the false notion of plenty should have occasioned want.

86. The admiration of mankind with regard to the arts and sciences, which is of itself sufficiently simple and almost puerile, has been increased by the craft and artifices of those who have treated the sciences and delivered them down to posterity. For they propose and produce them to our view so fashioned, and as it were masked, as to make them pass for perfect and complete. For, if you consider their method and divisions, they appear to embrace and comprise every thing which can relate to the subject. And although this frame be badly filled up, and resemble an empty bladder, yet it presents to the vulgar understanding the form and appearance of a perfect science.

The first and most ancient investigators of truth were wont, on the contrary, with more honesty and success, to throw all the knowledge they wished to gather from contemplation, and to lay up for use, into aphorisms, or short, scattered sentences, unconnected by any method, and without pretending or professing to comprehend any entire art. But, according to the present system, we cannot wonder that men seek nothing beyond that which is handed down to them as perfect, and already extended to its full complement.

87. The ancient theories have received additional support and credit, from the absurdity and levity of those who have promoted the new, especially in the active and practical part of natural philosophy. For there have been many silly and fantastical fellows who, from credulity or imposture, have loaded mankind with promises, announcing and boasting of the prolongation of life, the retarding of old age, the alleviation of pains, the remedying of natural defects, the deception of the senses, the restraint and excitement of the passions, the illumination and exaltation of the intellectual faculties, the transmutation of substances, the unlimited intensity and multiplication of motion, the impressions and changes of the air, the bringing into our power the management of celestial influences, the divination of future events, the representation of distant objects, the revelation of hidden objects and the like. One would not be very wrong in observing, with regard to such pretenders, that there is as much difference in philosophy, between their absurdity and real science, as there is in history between the exploits of Cæsar or Alexander, and those of Amadis de Gaul and Arthur of Britain. For those illustrious generals are found to have actually performed greater exploits, than such fictitious heroes are even pretended to have accomplished, by the means, however, of real action, and not by any fabulous and portentous power. Yet it is not right to suffer our belief in true history to be diminished, because it is sometimes injured and violated by fables. In the mean time we cannot wonder that great prejudice has been excited against any new propositions (especially when coupled with any mention of effects to be produced) by the conduct of impostors who have made a similar attempt, for their extreme absurdity and the disgust occasioned by it, has even to this day overpowered every spirited attempt of the kind.

88. Want of energy, and the littleness and futility of the tasks that human industry has undertaken, have produced much greater injury to the sciences: and yet (to make it still worse) that very want of energy manifests itself in conjunction with arrogance and disdain.

For, in the first place, one excuse, now from its repetition become familiar, is to be observed in every art, namely, that its promoters convert the weakness of the art itself into a calumny upon nature: and whatever it in their hands fails to effect, they pronounce to be physically impossible. But how can the art ever be condemned, whilst it acts as judge in its own cause? Even the present system of philosophy cherishes in its bosom certain positions or dogmas, which (it will be found on diligent inquiry) are calculated to produce a full conviction that no difficult, commanding, and powerful operation upon nature, ought to be anticipated through the means of art; we instanced* above, the alleged different quality of heat in the sun and fire, and composition and mixture. Upon an accurate observation, the whole tendency of such positions is wilfully to circumscribe man's power, and to produce a despair of the means of invention and contrivance, which would not only confound the promises of hope, but cut the very springs and sinews of industry, and throw aside even the chances of experience. The only object of such philosophers is, to acquire the reputation of perfection for their own art, and they are anxious to obtain the most silly and abandoned renown, by causing a belief that whatever has not yet been invented and understood, can never be so hereafter. But if any one attempt to give himself up to things, and to

* See Axiom 75.

discover something new, yet he will only propose and destine for his object, the investigation and discovery of some one invention, and nothing more; as the nature of the magnet, the tides, the heavenly system and the like, which appear enveloped in some degree of mystery, and have hitherto been treated with but little success. Now, it is the greatest proof of want of skill, to investigate the nature of any object in itself alone; for that same nature, which seems concealed and hidden in some instances, is manifest and almost palpable in others; and excites wonder in the former, whilst it hardly attracts attention in the latter. Thus the nature of consistency is scarcely observed in wood or stone, but passed over by the term *solid*, without any further inquiry about the repulsion of separation, or the solution of continuity. But in water-bubbles the same circumstance appears matter of delicate and ingenious research, for they form themselves into thin pellicles, curiously shaped into hemispheres, so as for an instant to avoid the solution of continuity.

In general, those very things which are considered as secret, are manifest and common in other objects, but will never be clearly seen if the experiments and contemplation of man be directed to themselves only. Yet it commonly happens, that if, in the mechanical arts, any one bring old discoveries to a finer polish, or more elegant height of ornament, or unite and compound them, or apply them more readily to practice, or exhibit them on a less heavy and voluminous scale, and the like, they will pass off as new.

We cannot, therefore, wonder that no magnificent discoveries, worthy of mankind, have been brought to light, whilst men are satisfied and delighted with such scanty and puerile tasks, nay, even think that they have pursued or attained some great object in their accomplishment.

89. Nor should we neglect to observe that natural philosophy has, in every age, met with a troublesome and difficult opponent: I mean superstition, and a blind and immoderate zeal for religion. For we see that among the Greeks those who first disclosed the natural causes of thunder and storms to the yet untrained ears of man, were condemned as guilty of impiety towards the gods. Nor did some of the old fathers of Christianity treat those much better who showed by the most positive proofs (such as no one now disputes) that the earth is spherical, and thence asserted that there were antipodes.

Even in the present state of things, the condition of discussions on natural philosophy is rendered more difficult and dangerous by the summaries and methods of divines, who, after reducing divinity into such order as they could, and brought it into a scientific form, have proceeded to mingle an undue proportion of the contentious and thorny philosophy of Aristotle with the substance of religion.

The fictions of those who have not feared to deduce and confirm the truth of the Christian religion by the principles and authority of philosophers, tend to the same end, though in a different manner. They celebrate the union of faith and the senses as though it were legitimate, with great pomp and solemnity, and gratify men's pleasing minds with a variety, but, in the mean time, confound most improperly things divine and human. Moreover, in these mixtures of divinity and philosophy, the received doctrines of the latter are alone included, and any novelty, even though it be an improvement, scarcely escapes banishment and extermination.

In short, you may find all access to any species of philosophy, however pure, intercepted by the ignorance of divines. Some, in their simplicity, are apprehensive that a too deep inquiry into nature may penetrate beyond the proper bounds of decorum, transferring and absurdly applying what is said of sacred mysteries in holy writ against those who pry into divine secrets, to the mysteries of nature, which are not forbidden by any prohibition. Others, with more cunning, imagine and consider that if secondary causes be unknown, every thing may more easily be referred to the divine hand and wand; a matter, as they think, of the greatest consequence to religion, but which can only really mean that God wishes to be gratified by means of falsehood. Others fear from past example, lest motion and change in philosophy should terminate in an attack upon religion. Lastly, there are others who appear anxious lest there should be something discovered in the investigation of nature to overthrow, or at least shake religion, particularly among the unlearned. The two last apprehensions appear to resemble animal instinct, as if men were diffident, in the bottom of their minds, and secret meditations, of the strength of religion, and the empire of faith over the senses; and therefore feared that some danger awaited them from an inquiry into nature. But any one who properly considers the subject, will find natural philosophy to be, after the word of God, the surest remedy against superstition, and the most approved support of faith. She is therefore rightly bestowed upon religion as a most faithful attendant, for the one exhibits the will and the other the power of God. Nor was he wrong who observed, "Ye err, not knowing the Scriptures and the power of God;" thus uniting in one bond the revelation of his will, and the contemplation of his power. In the mean while it is not wonderful that the progress of natural philosophy has been restrained, since religion, which has so much influence on men's minds, has been led and hurried to oppose her through the ignorance of some and the imprudent zeal of others.

90. Again, in the habits and regulations of schools, universities, and the like assemblies, de-

stined for the abode of learned men, and the improvement of learning, every thing is found to be opposed to the progress of the sciences. For the lectures and exercises are so ordered, that any thing out of the common track can scarcely enter the thoughts and contemplations of the mind. If, however, one or two have perhaps dared to use their liberty, they can only impose the labour on themselves, without deriving any advantage from the association of others: and if they put up with this, they will find their industry and spirit of no slight disadvantage to them in making their fortune. For the pursuits of men in such situations are, as it were, chained down to the writings of particular authors, and if any one dare to dissent from them, he is immediately attacked as a turbulent and revolutionary spirit. Yet how great is the difference between civil matters and the arts; for there is not the same danger from new activity and new light. In civil matters even a change for the better is suspected on account of the commotion it occasions; for civil government is supported by authority, unanimity, fame, and public opinion, and not by demonstration. In the arts and sciences, on the contrary, every department should resound, as in mines, with new works and advances. And this is the rational, though not the actual view of the case: for that administration and government of science we have spoken of, is wont too rigorously to repress its growth.

91. And even should the odium I have alluded to be avoided, yet it is sufficient to repress the increase of science that such attempts and industry was unrewarded. For the cultivation of science and its reward belong not to the same individual. The advancement of science is the work of a powerful genius, the prize and reward belong to the vulgar or to princes, who (with a few exceptions) are scarcely moderately well informed. Nay, such progress is not only deprived of the rewards and beneficence of individuals, but even of popular praise: for it is above the reach of the generality, and easily overwhelmed and extinguished by the winds of common opinions. It is not wonderful, therefore, that little success has attended that which has been little honoured.

92. But by far the greatest obstacle to the advancement of the sciences and the undertaking of any new attempt or department is to be found in men's despair and the idea of impossibility. For men of a prudent and exact turn of thought are altogether diffident in matters of this nature, considering the obscurity of nature, and the shortness of life, the deception of the senses, and weakness of the judgment. They think, therefore, that in the revolutions of ages and of the world there are certain floods and ebbs of the sciences, and that they grow and flourish at one time, and wither and fall off at another, that when they have attained a certain degree and condition they can proceed no further.

If, therefore, any one believe or promise greater things, they impute it to an uncurbed and immature mind, and imagine that such efforts begin pleasantly, then become laborious, and end in confusion. And since such thoughts easily enter the minds of men of dignity and excellent judgment, we must really take heed lest we should be captivated by our affection for an excellent and most beautiful object, and relax or diminish the severity of our judgment! and we must diligently examine what gleam of hope shines upon us, and in what direction it manifests itself, so that, banishing her lighter dreams, we may discuss and weigh whatever appears of more sound importance. We must consult the prudence of ordinary life, too, which is diffident upon principle, and in all human matters augurs the worst. Let us then speak of hope, especially as we are not vain promisers, nor are willing to force or ensnare men's judgment, but would rather lead them willingly forward. And, although we shall employ the most cogent means of enforcing hope when we bring them to particulars, and especially those which are digested and arranged in our Tables of Invention, (the subject partly of the second, but principally of the fourth part of the Instauration,) which are indeed rather the very object of our hopes than hope itself; yet to proceed more leniently, we must treat of the preparation of men's minds, of which the manifestation of hope forms no slight part. For, without it, all that we have said tends rather to produce a gloom than to encourage activity or quicken the industry of experiment, by causing them to have a worse and more contemptuous opinion of things as they are than they now entertain, and to perceive and feel more thoroughly their unfortunate condition. We must therefore disclose and prefix our reasons for not thinking the hope of success improbable, as Columbus before his wonderful voyage over the Atlantic gave the reasons of his conviction that new lands and continents might be discovered besides those already known. And these reasons though at first rejected, were yet proved by subsequent experience, and were the causes and beginnings of the greatest events.

93. Let us begin from God, and show that our pursuit from its exceeding goodness clearly proceeds from him, the Author of good and Father of light. Now, in all divine works, the smallest beginnings lead assuredly to some result, and the remark in spiritual matters that "The kingdom of God cometh without observation," is also found to be true in every great work of divine Providence; so that every thing glides quietly on without confusion or noise, and the matter is achieved before men either think or perceive that it is commenced. Nor should we neglect to

mention the prophecy of Daniel of the last days of the world,* "Many shall run to and fro and knowledge shall be increased," thus plainly hinting and suggesting that Fate (which is Providence) would cause the complete circuit of the globe, (now accomplished, or at least going forward by means of so many distant voyages,) and the increase of learning, to happen at the same epoch.

94. We† will next give a most potent reason for hope deduced from the errors of the past, and the ways still unattempted. For well was an ill governed state thus reproved,‡ "That which is worst with regard to the past, should appear most consolatory for the future. For if you had done all that your duty commanded, and your affairs proceeded no better, you could not even hope for their improvement; but since their present unhappy situation is not owing to the force of circumstances, but to your own errors, you have reason to hope, that by banishing or correcting the latter, you can produce a great change for the better in the former." So, if men had, during the many years that have elapsed, adhered to the right way of discovering and cultivating the sciences without being able to advance, it would be assuredly bold and presumptuous to imagine it possible to improve; but if they have mistaken the way and wasted their labour on improper objects, it follows that the difficulty does not arise from things themselves, which are not in our power, but from the human understanding, its practice and application, which is susceptible of remedy and correction. Our best plan, therefore, is to expose these errors. For, in proportion as they impeded the past, so do they afford reason to hope for the future. And although we have touched upon them above, yet we think it right to give a brief, bare, and simple enumeration of them in this place.

95. Those who have treated of the sciences have been either empirics or dogmatical. The former like ants only heap up and use their store, the latter like spiders spin out their own webs. The bee, a mean between both, extracts matter from the flowers of the garden and the field, but works and fashions it by its own efforts. The true labour of philosophy resembles hers, for it neither relies entirely or principally on the powers of the mind, nor yet lays up in the memory, the matter afforded by the experiments of natural history or mechanics in its raw state, but changes and works it in the understanding. We have good reason, therefore, to derive hope from a closer and purer alliance of these faculties, (the experimental and rational) than has yet been attempted.

96. Natural philosophy is not yet to be found unadulterated, but is impure and corrupted; by logic in the school of Aristotle, by natural theology in that of Plato, by mathematics in the second school of Plato, (that of Proclus and others,) which ought rather to terminate natural philosophy than to generate or create it. We may, therefore, hope for better results from pure and unmixed natural philosophy.

97. No one has yet been found possessed of sufficient firmness and severity, to resolve upon and undertake the task of entirely abolishing common theories and notions, and applying the mind afresh, when thus cleared and levelled, to particular researches. Hence our human reasoning is a mere farrago and crude mass, made up of a great deal of credulity and accident, and the puerile notions it originally contracted.

But if a man of mature age, unprejudiced senses, and clear mind, would betake himself anew to experience and particulars, we might hope much more from such a one. In which respect we promise ourselves the fortune of Alexander the Great, and let none accuse us of vanity till they have heard the tale, which is intended to check vanity.

For Æschines spoke thus of Alexander and his exploits: "We live not the life of mortals, but are born at such a period that posterity will relate and declare our prodigies." As if he considered the exploits of Alexander to be miraculous.

But in succeeding ages* Livy took a better view of the fact, and has made some such observation as this upon Alexander: "That he did no more than dare to despise insignificance." So in our opinion posterity will judge of us, "That we have achieved no great matters, but only set less account upon what is considered important." For the mean time (as we have before observed) our only hope is in the regeneration of the sciences, by regularly raising them on the foundation of experience and building them anew, which I think none can venture to affirm to have been already done or even thought of.

98. The foundations of experience (our sole resource) have hitherto failed completely or have been very weak; nor has a store and a collection of particular facts capable of informing the mind or in any way satisfactory, been either sought after or amassed. On the contrary, learned, but

* Daniel, c. xii. ver. 4.

† Hence to Aphorism 108 treats of the grounds of hope to be derived from correcting former errors.

‡ See Demosthenes's 3d Philippic near the beginning, *τὸ χείριστον ἐν τοῖς παρεληλυθόσι, τοῦτο πρὸς τὰ μέλλοντα βέλτιστον ὑπάρχει. Τί οὖν ἐστὶ τοῦτο; ὅτι οὔτε μικρὸν, οὔτε μέγα οὐδὲν τῶν δεόντων ποιούντων ὑμῶν, κακῶς τὰ πράγματα ἔχει· ἐπείτοιγε εἰ πάνθ' ἃ προσήκει πραττόντων ὑμῶν, οὕτω διέκειτο οὐδ' ἂν ἐλπὶς ἦν αὐτὰ γένεσθαι βελτίω, νῦν δὲ τῆς μὲν ῥαθυμίας τῆς ὑμετέρας, καὶ τῆς ἀμελείας κεκράτηκε Φίλιππος, τῆς πόλεως δ' οὐ κεκράτηκεν.*

* See Livy, lib. x. c. 17, where in a digression on the probable effect of a contest between Rome and Alexander the Great, he says: "Non cum Dario rem esse dixisset: quem mulierum ac spadonum agmen trahentem inter purpuram atque aurum, oneratum fortunæ apparatibus, prædam verius quam hostem, *nihil aliud quam ausus vana contemnere, incruentus devicit.*"

idle and indolent men received some mere reports of experience, traditions, as it were, of dreams, as establishing or confirming their philosophy; and have not hesitated to allow them the weight of legitimate evidence. So that a system has been pursued in philosophy with regard to experience, resembling that of a kingdom or state which would direct its councils and affairs according to the gossip of city and street politicians, instead of the letters and reports of ambassadors and messengers worthy of credit. Nothing is rightly inquired into, or verified, noted, weighed, or measured, in natural history. Indefinite and vague observation produces fallacious and uncertain information. If this appear strange or our complaint somewhat too unjust, (because Aristotle himself, so distinguished a man, and supported by the wealth of so great a king, has completed an accurate history of animals, to which others with greater diligence but less noise have made considerable additions, and others again have composed copious histories and notices of plants, metals, and fossils,) it will arise from a want of sufficiently attending to and comprehending our present observations. For a natural history compiled on its own account, and one collected for the mind's information as a foundation for philosophy, are two different things. They differ in several respects, but principally in this; the former contains only the varieties of natural species without the experiments of mechanical arts. For as in ordinary life every person's disposition, and the concealed feelings of the mind and passions are most drawn out when they are disturbed; so the secrets of nature betray themselves more readily when tormented by art, than when left to their own course. We must begin, therefore, to entertain hopes of natural philosophy then only, when we have a better compilation of natural history, its real basis and support.

99. Again, even in the abundance of mechanical experiments there is a very great scarcity of those which best inform and assist the understanding. For the mechanic, little solicitous about the investigation of truth, neither directs his attention nor applies his hand to any thing that is not of service to his business. But our hope of further progress in the sciences will then only be well founded, when numerous experiments shall be received and collected into natural history, which, though of no use in themselves, assist materially in the discovery of causes and axioms: which experiments we have termed enlightening, to distinguish them from those which are *profitable*. They possess this wonderful property and nature, that they never deceive or fail you, for, being used only to discover the natural cause of some object, whatever be the result, they equally satisfy your aim by deciding the question.

100. We must not only search for and procure a greater number of experiments, but also introduce a completely different method, order, and progress of continuing and promoting experience. For vague and arbitrary experience is (as we have observed) mere groping in the dark, and rather astonishes than instructs. But when experience shall proceed regularly and uninterruptedly by a determined rule, we may entertain better hopes of the sciences.

101. But after having collected and prepared an abundance and store of natural history, and of the experience required for the operations of the understanding, or philosophy; still the understanding is as capable of acting on such materials of itself with the aid of memory alone, as any person would be of retaining and achieving by memory the computation of an almanac. Yet meditation has hitherto done more for discovery than writing, and no experiments have been committed to paper. We cannot, however, approve of any mode of discovery without writing, and when that comes into more general use we may have further hopes.

102. Besides this, there is such a multitude and host as it were of particular objects, and lying so widely dispersed, as to distract and confuse the understanding; and we can therefore hope for no advantage from its skirmishing, and quick movements and incursions, unless we put its forces in due order and array by means of proper, and well arranged, and as it were living tables of discovery of these matters which are the subject of investigation, and the mind then apply itself to the ready prepared and digested aid which such tables afford.

103. When we have thus properly and regularly placed before the eyes a collection of particulars, we must not immediately proceed to the investigation and discovery of new particulars or effects, or, at least, if we do so, must not rest satisfied therewith. For, though we do not deny that by transferring the experiments from one art to another, (when all the experiments of each have been collected and arranged, and have been acquired by the knowledge and subjected to the judgment of a single individual,) many new experiments may be discovered, tending to benefit society and mankind, by what we term *literate experience*; yet comparatively insignificant results are to be expected thence, whilst the more important are to be derived from the new light of axioms, deduced by certain method and rule from the above particulars, and pointing out and defining new particulars in their turn. Our road is not along a plain, but rises and falls, ascending to axioms and descending to effects.

104. Nor can we suffer the understanding to jump and fly from particulars to remote and most general axioms, (such as are termed the principles of arts and things,) and thus prove and make out their intermediate axioms according to the supposed unshaken truth of the former. This,

however, has always been done to the present time from the natural bent of the understanding, educated, too, and accustomed to this very method by the syllogistic mode of demonstration. But we can then only augur well for the sciences, when the ascent shall proceed by a true scale and successive steps, without interruption or breach, from particulars to the lesser axioms, thence to the intermediate, (rising one above the other,) and lastly to the most general. For the lowest axioms differ but little from bare experiment, the highest and most general (as they are esteemed at present) are notional, abstract, and of no real weight. The intermediate are true, solid, full of life, and upon them depend the business and fortune of mankind; beyond these are the really general, but not abstract, axioms, which are truly limited by the intermediate.

We must not then add wings, but rather lead and ballast to the understanding, to prevent its jumping or flying, which has not yet been done; but whenever this takes place we may entertain greater hopes of the sciences.

105. In forming axioms, we must invent a different form of induction from that hitherto in use; not only for the proof and discovery of principles, (as they are called,) but also of minor intermediate, and in short every kind of axioms. The induction which proceeds by simple enumeration is puerile, leads to uncertain conclusions, and is exposed to danger from one contradictory instance, deciding generally from too small a number of facts, and those only the most obvious. But a really useful induction for the discovery and demonstration of the arts and sciences should separate nature by proper rejections and exclusions, and then conclude for the affirmative, after collecting a sufficient number of negatives. Now, this has not been done, or even attempted, except perhaps by Plato, who certainly uses this form of induction in some measure, to sift definitions and ideas. But much of what has never yet entered the thoughts of man, must necessarily be employed in order to exhibit a good and legitimate mode of induction, or demonstration; so as even to render it essential for us to bestow more pains upon it than have hitherto been bestowed on syllogisms. The assistance of induction is to serve us not only in the discovery of axioms, but also in defining our notions. Much indeed is to be hoped from such an induction as has been described.

106. In forming our axioms from induction, we must examine and try, whether the axiom we derive, be only fitted and calculated for the particular instances from which it is deduced, or whether it be more extensive and general. If it be the latter, we must observe, whether it confirm its own extent and generality, by giving surety, as it were, in pointing out new particulars, so that we may neither stop at actual discoveries, nor with a careless grasp catch at shadows and abstract forms, instead of substances of a determinate nature; and as soon as we act thus, well authorized hopes may with reason be said to beam upon us.

107. Here, too, we may again repeat what we have said above, concerning the extending of natural philosophy, and reducing particular sciences to that one, so as to prevent any schism or dismembering of the sciences; without which we cannot hope to advance.

108. Such are the observations we would make, in order to remove despair and excite hope, by bidding farewell to the errors of past ages, or by their correction. Let us examine whether there be other grounds for hope. And, first, if many useful discoveries have occurred to mankind by chance or opportunity, without investigation or attention on their part, it must necessarily be acknowledged that much more may be brought to light by investigation and attention, if it be regular and orderly, not hasty and interrupted. For, although it may now and then happen that one falls by chance upon something that had before escaped considerable efforts and laborious inquiries, yet, undoubtedly, the reverse is generally the case. We may, therefore, hope for further, better, and more frequent results from man's reason, industry, method, and application, than from chance and mere animal instinct, and the like, which have hitherto been the sources of invention.

109. We may also derive some reason for hope, from the circumstance of several actual inventions being of such a nature, that scarcely any one could have formed a conjecture about them, previously to their discovery, but would rather have ridiculed them as impossible. For men are wont to guess about new subjects, from those they are already acquainted with, and the hasty and vitiated fancies they have thence formed: than which there cannot be a more fallacious mode of reasoning, because much of that which is derived from the sources of things, does not flow in their usual channel. If, for instance, before the discovery of cannon, one had described its effects in the following manner: "There is a new invention, by which walls and the greatest bulwarks can be shaken and overthrown from a considerable distance," men would have begun to contrive various means of multiplying the force of projectiles and machines, by means of weights and wheels, and other modes of battering and projecting. But it is improbable that any imagination or fancy would have hit upon a fiery blast expanding and developing itself so suddenly and violently, because none would have seen an instance at all resembling it, except perhaps in earthquakes or thunder, which they would have immediately rejected as the great operations of nature, not to be imitated by man.

So if, before the discovery of silk thread, any

one had observed, "that a species of thread had been discovered, fit for dresses and furniture, far surpassing the thread of worsted or flax in fineness, and at the same time in tenacity, beauty, and softness," men would have begun to imagine something about Chinese plants, or the fine hair of some animals, or the feathers or down of birds, but certainly would never have had an idea of its being spun by a small worm, in so copious a manner, and renewed annually. But if any one had ventured to suggest the silk worm, he would have been laughed at, as if dreaming of some new manufacture from spiders.

So, again, if before the discovery of the compass, any one had said, "that an instrument had been invented, by which the quarters and points of the heavens could be exactly taken and distinguished," men would have entered into disquisitions on the refinement of astronomical instruments, and the like, from the excitement of their imaginations; but the thought of any thing being discovered, which not being a celestial body, but a mere mineral or metallic substance, should yet in its motion agree with that of such bodies, would have appeared absolutely incredible. Yet were these facts, and the like (unknown for so many ages) not discovered at last, either by philosophy or reasoning, but by chance and opportunity; and (as we have observed) they are of a nature most heterogeneous, and remote from what was hitherto known, so that no previous knowledge could lead to them.

We* may, therefore, well hope that many excellent and useful matters are yet treasured up in the bosom of nature, bearing no relation or analogy to our actual discoveries, but out of the common track of our imagination, and still undiscovered; and which will doubtless be brought to light in the course and lapse of years, as the others have been before them; but in the way we now point out, they may rapidly and at once be both represented and anticipated.

110. There are moreover some inventions which render it probable that men may pass and hurry over the most noble discoveries which lie immediately before them. For, however the discovery of gunpowder, silk, the compass, sugar, paper, or the like, may appear to depend on peculiar properties of things and nature, printing at least involves no contrivance which is not clear and almost obvious. But from want of observing that although the arrangement of the types of letters required more trouble than writing with the hand, yet these types once arranged serve for innumerable impressions, whilst manuscript only affords one copy; and again, from want of observing that ink might be thickened so as to stain without running, (which was necessary, seeing the letters face upwards, and the impression is made from above,) this most beautiful invention (which assists so materially the propagation of learning) remained unknown for so many ages.

The human mind is often so awkward and ill regulated in the career of invention, that it is at first diffident, and then despises itself. For it appears at first incredible that any such discovery should be made, and when it has been made, it appears incredible that it should so long have escaped men's research. All which affords good reason for the hope that a vast mass of inventions yet remains, which may be deduced not only from the investigation of new modes of operation, but also from transferring, comparing, and applying these already known, by the method of what we have termed literate experience.

111. Nor should we omit another ground of hope. Let men only consider (if they will) their infinite expenditure of talent, time, and fortune, in matters and studies of far inferior importance and value: a small portion of which applied to sound and solid learning would be sufficient to overcome every difficulty. And we have thought right to add this observation, because we candidly own that such a collection of natural and experimental history as we have traced in our own mind, and as is really necessary, is a great, and, as it were, royal work, requiring much labour and expense.

112. In the mean time, let no one be alarmed at the multitude of particulars, but rather inclined to hope on that very account. For the particular phenomena of the arts and nature are in reality but as a handful, when compared with the fictions of the imagination, removed and separated from the evidence of facts. The termination of our method is clear, and I had almost said, near at hand; the other admits of no termination, but only of infinite confusion. For men have hitherto dwelt but little, or rather only slightly touched upon experience, whilst they have wasted much time on theories and the fictions of the imagination. If we had but any one who could actually answer our interrogations of nature, the invention of all causes and sciences would be the labour of but a few years.

113. We think some ground of hope is afforded by our own example, which is not mentioned for the sake of boasting, but as a useful remark. Let those who distrust their own powers observe myself, one who have amongst my contemporaries been the most engaged in public business, who am not very strong in health, (which causes a great loss of time,) and am the first explorer of this course, following the guidance of none, nor even communicating my thoughts to a single individual; yet having once firmly entered in the right

* This hope has been abundantly realized in the discovery of gravity, and the decomposition of light, strictly by the inductive method. To a better philosophy, we may also attribute the discovery of electricity, galvanism, and their mutual connexion with each other, and magnetism, the inventions of the air pump, steam engine, chronometer, &c.

way, and submitting the powers of my mind to things, I have somewhat advanced (as I make bold to think) the matter I now treat of. Then let others consider what may be hoped from men who enjoy abundant leisure, from united labours, and the succession of ages, after these suggestions on our part, especially in a course which is not confined, like theories, to individuals, but admits of the best distribution and union of labour and effect, particularly in collecting experiments. For men will then only begin to know their own power, when each performs a separate part, instead of undertaking in crowds the same work.

114. Lastly, though a much more faint and uncertain breeze of hope were to spring up from our new continent, yet we consider it necessary to make the experiment, if we would not show a dastard spirit. For the risk attending want of success is not to be compared with that of neglecting the attempt; the former is attended with the loss of a little human labour, the latter with that of an immense benefit. For these and other reasons, it appears to us that there is abundant ground to hope, and to induce not only those who are sanguine to make experiment, but even those who are cautious and sober to give their assent.

115. Such are the grounds for banishing despair, hitherto one of the most powerful causes of the delay and restraint to which the sciences have been subjected; in treating of which, we have at the same time discussed the signs and causes of the errors, idleness, and ignorance, that have prevailed seeing especially that the more refined causes, which are not open to popular judgment and observation, may be referred to our remarks on the idols of the human mind. Here, too, we should close the demolishing branch of our Instauration, which is comprised in three confutations. 1. The confutation of natural human reason left to itself. 2. The confutation of demonstration. 3. The confutation of theories, or received systems of philosophy and doctrines. Our confutation has followed such a course as was open to it, namely, the exposing of the signs of error, and the producing evidence of the causes of it: for we could adopt no other, differing, as we do, both in first principles and demonstrations from others.

It is time for us, therefore, to come to the art itself, and the rule for the interpretation of nature: there is, however, still something which must not be passed over. For the intent of this first book of aphorisms being to prepare the mind for understanding as well as admitting what follows, we must now, after having cleansed, polished, and levelled its surface, place it in a good position, and, as it were, a benevolent aspect towards our propositions; seeing that prejudice in new matters may be produced not only by the strength of preconceived notions, but also by a false anticipation or expectation of the matter proposed. We shall, therefore, endeavour to induce good and correct opinions of what we offer, although this be only necessary for the moment, and, as it were, laid *out at interest*, until the matter itself be well understood.

116. First, then, we must desire men not to suppose that we are ambitious of founding any philosophical sect, like the ancient Greeks, or some moderns, as Telesius,* Patricius,† and Severinus.‡ For, neither is this our intention, nor do we think that peculiar abstract opinions on nature and the principles of things, are of much importance to men's fortunes; since it were easy to revive many ancient theories, and to introduce many new ones; as, for instance, many *hypotheses* with regard to the *heavens* can be formed, differing in themselves, and yet sufficiently according with the phenomena.

We bestow not our labour on such theoretical and, at the same time, useless topics. On the contrary, our determination is that of trying whether we can lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity. And although, here and there, upon some particular points, we hold (in our own opinion) more true and certain, and I might even say, more advantageous tenets, than those in general repute, (which we have collected in the fifth part of our Instauration.) yet we offer no universal or complete theory. The time does not yet appear to us to be arrived, and we entertain no hope of our life being prolonged to the completion of the sixth part of the Instauration, (which is destined for philosophy discovered by the interpretation of nature,) but are content if we proceed quietly and usefully in our intermediate pursuit, scattering, in the mean time, the seeds of less adulterated truth for posterity, and, at least, commence the great work.

117. And, as we pretend not to found a sect, so do we neither offer nor promise particular effects: which may occasion some to object to us, that since we so often speak of effects, and consider every thing in its relation to that end, we ought also to give some earnest of producing them. Our course and method, however, as we have often said, and again repeat, is such as not to deduce effects from effects, nor experiments from experiments, (as the empirics do,) but in our capacity of legitimate interpreters of nature, to deduce causes and axioms from effects and

* Bernardino Telesio, a Neapolitan. He studied at Padua, and published his "De Rerum naturâ juxta propria principia" in 1565, in opposition to Aristotle. He applied mathematics to physics, and held some notions similar to those of Parmenides.

† Francesco Patrizio, born in Cherso, on the coast of Dalmatia, in 1529 He studied at Padua, and was afterwards professor of Platonic philosophy at Rome till his death in 1597 He impugned Aristotle's philosophy in his Nova de Universis Philosophia.

‡ Marco Aurelio Severini, a learned physician of Naples, who published an attack on Aristotle's Natural History, and several other works. He was born in 1580.

experiments; and new effects and experiments from those causes and axioms.

And, although any one of moderate intelligence and ability will observe the indications and sketches of many noble effects in our tables of inventions, (which form the fourth part of the Instauration,) and also in the examples of particular instances cited in the second part, as well as in our observations on history, (which is the subject of the third part; yet we candidly confess that our present natural history, whether compiled from books or our own inquiries, is not sufficiently copious and well ascertained to satisfy, or even assist, a proper interpretation.

If, therefore, there be any one who is more disposed and prepared for mechanical art, and ingenious in discovering effects, than in the mere management of experiment, we allow him to employ his industry in gathering many of the fruits of our history and tables in his way, and applying them to effects, receiving them as interest till he can obtain the principal. For our own part, having a greater object in view, we condemn all hasty and premature rest in such pursuits, as we would Atalanta's apple (to use a common allusion of ours;) for we are not childishly ambitious of golden fruit, but use all our efforts to make the course of art outstrip nature, and we hasten not to reap moss or the green blade, but wait for a ripe harvest.

118. There will be some, without doubt, who, on a perusal of our history and tables of invention, will meet with some uncertainty, or perhaps fallacy, in the experiments themselves, and will thence, perhaps, imagine that our discoveries are built on false foundations and principles. There is, however, really nothing in this, since it must needs happen in beginnings. For it is the same as if in writing or printing one or two letters were wrongly turned or misplaced, which is no great inconvenience to the reader, who can easily by his own eye correct the error; let men in the same way conclude that many experiments in natural history may be erroneously believed and admitted, which are easily expunged and rejected afterwards by the discovery of causes and axioms. It is, however, true that if these errors in natural history and experiments become great, frequent, and continued, they cannot be corrected and amended by any dexterity of wit or art. If, then, even in *our* natural history, well examined and compiled with such diligence, strictness, and (I might say) reverential scruples, there be now and then something false and erroneous in the details, what must we say of the common natural history, which is so negligent and careless when compared with ours? or of systems of philosophy and the sciences based on such loose soil, or rather quicksand? Let none then be alarmed by such observations.

119. Again, our history and experiments will contain much that is light and common, mean and illiberal, too refined and merely speculative, and, as it were, of no use, and this, perhaps, may divert and alienate the attention of mankind. With regard to what is common; let men reflect, that they have hitherto been used to do nothing but refer and adapt the causes of things of rare occurrence to those of things which more frequently happen, without any investigation of the causes of the latter, taking them for granted and admitted.

Hence they do not inquire into the causes of gravity, the rotation of the heavenly bodies, heat, cold, light, hardness, softness, rarity, density, liquidity, solidity, animation, inanimation, similitude, difference, organic formation, but taking them to be self-evident, manifest, and admitted, they dispute and decide upon other matters of less frequent and familiar occurrence.

But we (who know that no judgment can be formed of that which is rare or remarkable, and much less any thing new brought to light, without a previous regular examination and discovery of the causes of that which is common, and the causes again of those causes) are necessarily compelled to admit the most common objects into our history. Besides, we have observed that nothing has been so injurious to philosophy as this circumstance, namely, that familiar and frequent objects do not arrest and detain men's contemplation, but are carelessly admitted, and their causes never inquired after; so that information on unknown subjects is not more often wanted than attention to those which are known.

120. With regard to the meanness or even the filthiness of particulars, for which (as Pliny observes) an apology is requisite, such subjects are no less worthy of admission into natural history than the most magnificent and costly: nor do they at all pollute natural history, for the sun enters alike the palace and the privy, and is not thereby polluted. We neither dedicate nor raise a capitol or pyramid to the pride of man, but rear a holy temple in his mind, on the model of the universe, which model therefore we imitate. For that which is deserving of existence is deserving of knowledge, the image of existence. Now, the mean and splendid alike exist. Nay, as the finest odours are sometimes produced from putrid matter, (such as musk and civet,) so does valuable light and information emanate from mean and sordid instances. But we have already said too much, for such fastidious feelings are childish and effeminate.

121. The next point requires a more accurate consideration, namely, that many parts of our history will appear to the vulgar, or even any mind accustomed to the present state of things, fantastically and uselessly refined. Hence we have in regard to this matter said from the first, and must again repeat, that we look for experi-

ments that shall afford light rather than profit, imitating the divine creation, which, as we have often observed, only produced light on the first day, and assigned that whole day to its creation, without adding any material work.

If any one then imagine such matters to be of no use, he might equally suppose light to be of no use, because it is neither solid nor material. For in fact the knowledge of simple natures, when sufficiently investigated and defined, resembles light, which though of no great use in itself, affords access to the general mysteries of effects, and with a peculiar power comprehends and draws with it whole bands and troops of effects, and the sources of the most valuable axioms. So, also, the elements of letters have of themselves separately no meaning, and are of no use, yet are they as it were the original matter in the composition and preparation of speech. The seeds of substances whose effect is powerful, are of no use except in their growth, and the scattered rays of light itself avail not unless collected.

But if speculative subtilties give offence, what must we say of the scholastic philosophers who indulged in them to such excess? And those subtilties were wasted on words, or at least common notions, (which is the same thing,) not on things or nature, and alike unproductive of benefit in their origin and their consequences: in no way resembling ours, which are at present useless, but in their consequences of infinite benefit. Let men be assured that all subtile disputes and discursive efforts of the mind are late and preposterous, when they are introduced subsequently to the discovery of axioms, and that their true or at any rate chief opportunity is when experiment is to be weighed and axioms to be derived from it. They otherwise catch and grasp at nature, but never seize or detain her: and we may well apply to nature that which has been said of opportunity or fortune, "that she wears a lock in front, but is bald behind."

In short, we may reply decisively to those who despise any part of natural history as being vulgar, mean, or subtle and useless in its origin, in the words of a poor woman to a haughty prince who had rejected her petition, as unworthy and beneath the dignity of his majesty: "then cease to reign;" for it is quite certain that the empire of nature can neither be obtained nor administered by one who refuses to pay attention to such matters as being poor and too minute.

122. Again, it may be objected to us as being singular and harsh, that we should with one stroke and assault, as it were, banish all authorities and sciences, and that too by our own efforts, without requiring the assistance and support of any of the ancients.

Now, we are aware, that had we been ready to act otherwise than sincerely, it was not difficult to refer our present method to remote ages, prior to those of the Greeks, (since the sciences in all probability flourished more in their natural state, though silently, than when they were paraded with the fifes and trumpets of the Greeks;) or even (in parts at least) to some of the Greeks themselves, and to derive authority and honour from thence; as men of no family labour to raise and form nobility for themselves in some ancient line, by the help of genealogies. Trusting, however, to the evidence of facts, we reject every kind of fiction and imposture: and think it of no more consequence to our subject, whether future discoveries were known to the ancients, and set or rose according to the vicissitudes of events and lapse of ages, than it would be of importance to mankind to know whether the new world be the island of Atlantis,* and known to the ancients, or be now discovered for the first time.

With regard to the universal censure we have bestowed, it is quite clear to any one who properly considers the matter, that it is both more probable and more modest than any partial one could have been. For if the errors had not been rooted in the primary notions, some well conducted discoveries must have corrected others that were deficient. But since the errors were fundamental, and of such a nature that men may be said rather to have neglected or passed over things than to have formed a wrong or false judgment of them, it is little to be wondered at, that they did not obtain what they never aimed at, nor arrive at a goal which they had not determined, nor perform a course which they had neither entered upon nor adhered to.

With regard to our presumption, we allow that if we were to assume a power of drawing a more perfect straight line or circle than any one else, by superior steadiness of hand or acuteness of eye, it would lead to a comparison of talent; but if one merely assert that he can draw a more perfect line or circle with a ruler or compasses, than another can by his unassisted hand or eye, he surely cannot be said to boast of much. Now this applies not only to our first original attempt, but also to those who shall hereafter apply themselves to the pursuit. For our method of discovering the sciences, merely levels men's wits, and leaves but little to their superiority, since it achieves every thing by the most certain rules and demonstrations. Whence, (as we have often observed,) our attempt is to be attributed to fortune rather than talent, and is the offspring of time rather than of wit. For a certain sort of chance has no less effect upon our thoughts than on our acts and deeds.

123. We may, therefore, apply to ourselves the joke of him who said, "that water and wine drinkers could not think alike," especially as it hits the matter so well. For others, both an-

* See Plato's Timæus.

cients and moderns, have, in the sciences, drank a crude liquor like water, either flowing of itself from the understanding, or drawn up by logic as the wheel draws up the bucket. But we drink and pledge others with a liquor made of many well ripened grapes, collected and plucked from particular branches, squeezed in the press, and at last clarified and fermented in a vessel. It is not, therefore, wonderful that we should not agree with others.

124. Another objection will, without doubt, be made, namely, that we have not ourselves established a correct, or the best goal or aim of the sciences, (the very defect we blame in others.) For, they will say, that the contemplation of truth is more dignified and exalted than any utility or extent of effects: but that our dwelling so long and anxiously on experience and matter, and the fluctuating state of particulars, fastens the mind to earth, or rather casts it down into an abyss of confusion and disturbance, and separates and removes it from a much more divine state, the quiet and tranquillity of abstract wisdom. We willingly assent to their reasoning, and are most anxious to effect the very point they hint at and require. For we are founding a real model of the world in the understanding, such as it is found to be, not such as man's reason has distorted. Now, this cannot be done without dissecting and anatomizing the world most diligently; but we declare it necessary to destroy completely the vain, little, and as it were apish imitations of the world, which have been formed in various systems of philosophy by men's fancies. Let men learn (as we have said above) the difference that exists between the idols of the human mind, and the ideas of the Divine mind. The former are mere arbitrary abstractions; the latter the true marks of the Creator on his creatures, as they are imprinted on, and defined in matter, by true and exquisite touches. Truth, therefore, and utility are here perfectly identical, and the effects are of more value as pledges of truth than from the benefit they confer on men.

125. Others may object that we are only doing that which has already been done, and that the ancients followed the same course as ourselves. They may imagine, therefore, that, after all this stir and exertion, we shall at last arrive at some of those systems that prevailed among the ancients: for that they, too, when commencing their meditations, laid up a great store of instances and particulars, and digested them under topics and titles in their commonplace books, and so worked out their systems and arts, and then decided upon what they discovered, and related now and then some examples to confirm and throw light upon their doctrine; but thought it superfluous and troublesome to publish their notes, minutes, and commonplaces, and, therefore, followed the example of builders, who remove the scaffolding and ladders when the building is finished. Nor can we indeed believe the case to have been otherwise. But to any one, not entirely forgetful of our previous observations, it will be easy to answer this objection, or rather scruple. For, we allow that the ancients had a particular form of investigation and discovery, and their writings show it. But it was of such a nature, that they immediately flew from a few instances and particulars, (after adding some common notions, and a few generally received opinions most in vogue,) to the most general conclusions, or the principles of the sciences, and then by their intermediate propositions deduced their inferior conclusions, and tried them by the test of the immovable and settled truth of the first, and so constructed their art. Lastly, if some new particulars and instances were brought forward, which contradicted their dogmas, they either with great subtilty reduced them to one system, by distinctions or explanations of their own rules, or got rid of them clumsily as exceptions, labouring most pertinaciously in the mean time to accommodate the causes of such as were not contradictory to their own principles. Their natural history and their experience were both far from being what they ought to have been, and their flying off to generalities ruined every thing.

126. Another objection will be made against us, that we prohibit decisions, and the laying down of certain principles, till we arrive regularly at generalities by the intermediate steps, and thus keep the judgment in suspense and lead to uncertainty. But our object is not uncertainty, but fitting certainty, for we derogate not from the senses, but assist them, and despise not the understanding, but direct it. It is better to know what is necessary, and not to imagine we are fully in possession of it, than to imagine that we are fully in possession of it, and yet in reality to know nothing which we ought.

127. Again, some may raise this question rather than objection, whether we talk of perfecting natural philosophy alone according to our method, or the other sciences also, such as logic, ethics, politics. We certainly intend to comprehend them all. And as common logic, which regulates matters by syllogisms, is applied not only to natural, but also to every other science, so our inductive method likewise comprehends them all. For we form a history and tables of invention for anger, fear, shame, and the like, and also for examples in civil life, and the mental operations of memory, composition, division, judgment, and the rest, as well as for heat and cold, light, vegetation, and the like. But since our method of interpretation, after preparing and arranging a history, does not content itself with examining the operations and disquisitions of the mind, like common logic; but also inspects the nature of

things, we so regulate the mind that it may be enabled to apply itself in every respect correctly to that nature. On that account we deliver numerous and various precepts in our doctrine of interpretation, so that they may apply in some measure to the method of discovering the quality and condition of the subject-matter of investigation.

128. Let none even doubt whether we are anxious to destroy and demolish the philosophy, arts, and sciences, which are now in use. On the contrary, we readily cherish their practice, cultivation, and honour. For we by no means interfere to prevent the prevalent system from encouraging discussion, adorning discourses, or being employed serviceably in the chair of the professor or the practice of common life, and being taken, in short, by general consent, as current coin. Nay, we plainly declare, that the system we offer will not be very suitable for such purposes, not being easily adapted to vulgar apprehensions, except by effects and works. To show our sincerity in professing our regard and friendly disposition towards the received sciences, we can refer to the evidence of our published writings, (especially our books on the advancement of learning.) We will not, therefore, endeavour to evince it any further by words; but content ourselves with steadily and professedly premising, that no great progress can be made by the present methods, in the theory or contemplation of science, and that they cannot be made to produce any very abundant effects.

129. It remains for us to say a few words on the excellence of our proposed end. If we had done so before, we might have appeared merely to express our wishes, but now that we have excited hope and removed prejudices, it will perhaps have greater weight. Had we performed and completely accomplished the whole, without frequently calling in others to assist in our labours, we should then have refrained from saying any more, lest we should be thought to extol our own deserts. Since, however, the industry of others must be quickened, and their courage roused and inflamed, it is right to recall some points to their memory.

First, then, the introduction of great inventions appears one of the most distinguished of human actions; and the ancients so considered it. For they assigned divine honours to the authors of inventions, but only heroic honours to those who displayed civil merit, (such as the founders of cities and empires, legislators, the deliverers of their country from everlasting misfortunes, the quellers of tyrants, and the like.) And if any one rightly compare them, he will find the judgment of antiquity to be correct. For the benefits derived from inventions may extend to mankind in general, but civil benefits to particular spots alone; the latter, moreover, last but for a time, the former forever. Civil reformation seldom is carried on without violence and confusion, whilst inventions are a blessing and a benefit, without injuring or afflicting any.

Inventions are, also, as it were, new creations and imitations of divine works; as was expressed by the poet:*

> "Primum frugiferos fœtus mortalibus ægris
> Dididerant quondam præstanti nomine Athenæ
> Et recreaverunt vitam legesque rogarunt."

And it is worthy of remark in Solomon,* that whilst he flourished in the possession of his empire, in wealth, in the magnificence of his works, in his court, his household, his fleet, the splendour of his name, and the most unbounded admiration of mankind, he still placed his glory in none of these, but declared,† "That it is the glory of God to conceal a thing, but the glory of a king to search it out."

Again, let any one but consider the immense difference between men's lives in the most polished countries of Europe, and in any wild and barbarous region of the New Indies, he will think it so great, that man may be said to be a god unto man, not only on account of mutual aid and benefits, but from their comparative states: the result of the arts, and not of the soil or climate.

Again, we should notice the force, effect, and consequences of inventions, which are nowhere more conspicuous than in those three which were unknown to the ancients; namely, printing, gunpowder, and the compass. For these three have changed the appearance and state of the whole world; first in literature, then in warfare, and lastly in navigation: and innumerable changes have been thence derived, so that no empire, sect, or star, appears to have exercised a greater power and influence on human affairs than these mechanical discoveries.

It will, perhaps, be as well to distinguish three species and degrees of ambition. First, that of men who are anxious to enlarge their own power in their country, which is a vulgar and degenerate kind; next, that of men who strive to enlarge the power and empire of their country over mankind, which is more dignified, but not less covetous; but if one were to endeavour to renew and enlarge the power and empire of mankind in general over the universe, such ambition (if it may so be termed) is both more sound and more noble than the other two. Now, the empire of man over things is founded on the arts and sciences alone, for nature is only to be commanded by obeying her.

* This is the opening of the sixth book of Lucretius. Bacon probably quoted from memory; the lines are,

> *Primæ* frugiferos fœtus mortalibus ægris
> Dididerunt quondam *præclaro* nomine Athenæ
> Et recreaverunt, &c.

> The teeming corn, that feeble mortals crave,
> First, and long since, renowned Athens gave,
> And cheered their life—then taught to frame their laws.

† Prov. xxv. 2.

Besides this, if the benefit of any particular invention has had such an effect as to induce men to consider him greater than a man, who has thus obliged the whole race; how much more exalted will that discovery be, which leads to the easy discovery of every thing else! Yet, (to speak the truth,) in the same manner as we are very thankful for light which enables us to enter on our way, to practise arts, to read, to distinguish each other, and yet sight is more excellent and beautiful than the various uses of light; so is the contemplation of things as they are, free from superstition or imposture, error or confusion, much more dignified in itself than all the advantage to be derived from discoveries.

Lastly, let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can be said of every worldly good; talent, courage, strength, beauty, riches, light itself, and the rest. Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.

130. But it is time for us to lay down the art of interpreting nature; to which we attribute no absolute necessity (as if nothing could be done without it) nor perfection, although we think that our precepts are most useful and correct. For we are of opinion, that if men had at their command a proper history of nature and experience, and would apply themselves steadily to it, and could bind themselves to two things; 1. To lay aside received opinions and notions; 2. To restrain themselves, till the proper season, from generalization, they might, by the proper and genuine exertion of their minds, fall into our way of interpretation without the aid of any art. For interpretation is the true and natural act of the mind, when all obstacles are removed: certainly, however, every thing will be more ready and better fixed by our precepts.

Yet do we not affirm that no addition can be made to them; on the contrary, considering the mind in its connexion with things, and not merely relatively to its own powers, we ought to be persuaded that the art of invention can be made to grow with the inventions themselves.

THE SECOND BOOK OF

APHORISMS,

ON THE

INTERPRETATION OF NATURE, OR THE REIGN OF MAN.

---

1. To generate and superinduce a new nature, or new natures, upon a given body, is the labour and aim of human power: whilst to discover the form or true difference of a given nature, or the nature* to which such nature is owing, or source from whence it emanates, (for these terms approach nearest to an explanation of our meaning,) is the labour and discovery of human knowledge. And, subordinate to these primary labours, are two others of a secondary nature and inferior stamp. Under the first must be ranked the transformation of concrete bodies from one to another, which is possible within certain limits; under the second, the discovery, in every species of generation and motion, of the latent and uninterrupted process, from the manifest efficient and manifest subject-matter up to the given form: and a like discovery of the latent conformation of bodies which are at rest, instead of being in motion.

2. The unhappy state of man's actual knowledge is manifested even by the common assertions of the vulgar. It is rightly laid down, that "true knowledge is that which is deduced from causes." The division of four causes, also, is not amiss: *matter*, *form*, the *efficient*, and *end*, or final cause.* Of these, however, the latter is so far from being beneficial, that it even corrupts the sciences, except in the intercourse of man with man. The discovery of form is considered desperate. As for the *efficient cause*, and *matter*, (according to the present system of inquiry and the received opinions concerning them, by which they are placed remote from, and without any latent process towards form,) they are but desultory and superficial, and of scarcely any avail to real and active knowledge. Nor are we unmindful of our having pointed out and corrected above the error of the human mind, in assigning the first qualities of essence to forms.† For, although nothing exists in nature except individual bodies,

* Τὸ τί ἦν εἶναι, or ἡ οὐσία of Aristotle. See lib. 3. Metap.

* These divisions are from Aristotle's Metaphysics, where they are termed, 1, ὕλη ἢ τὸ υποκείμενον. 2, τὸ τί ἦν εἶναι 3, ὅθεν ἡ ἀρχη τῆς κινεσεως. 4, τὸ οὗ ἕνεκεν—καὶ τὸ ἄγαθον.

† See Aphorism 51. and 2d paragraph of Aphorism 65, in the first book.

exhibiting clear individual effects according to particular laws:* yet, in each branch of learning, that very law, its investigation, discovery, and development, are the foundation both of theory and practice.† This, law, therefore, and its parallel in each science, is what we understand by the term *form*, adopting that word because it has grown into common use, and is of familiar occurrence.

3. He who has learned the cause of a particular nature, (such as whiteness or heat,) in particular subjects only, has acquired but an imperfect knowledge: as he who can induce a certain effect upon particular substances only, among those which are susceptible of it, has acquired but an imperfect power. But he who has only learned the efficient and material cause, (which causes are variable, and mere vehicles conveying form to particular substances,) may perhaps arrive at some new discoveries in matters of a similar nature, and prepared for the purpose, but does not stir the limits of *things*, which are much more deeply rooted: whilst he who is acquainted with *forms*, comprehends the unity of nature in substances apparently most distinct from each other. He can disclose and bring forward, therefore, (though it has never yet been done,) things which neither the vicissitudes of nature, nor the industry of experiment, nor chance itself, would ever have brought about, and which would forever have escaped man's thoughts. From the discovery of forms, therefore, results genuine theory and free practice.

4. Although there is a most intimate connection and almost an identity between the ways of human power and human knowledge; yet, on account of the pernicious and inveterate habit of dwelling upon abstractions, it is by far the safest method to commence and build up the sciences from those foundations which bear a relation to the practical division, and to let them mark out and limit the theoretical. We must consider, therefore, what precepts, or what direction or guide, a person would most desire, in order to generate and superinduce any nature upon a given body: and this not in abstruse, but in the plainest language.

For instance, if a person should wish to superinduce the yellow colour of gold upon silver, or an additional weight, (observing always the laws of matter,) or transparency on an opaque stone, or tenacity in glass, or vegetation on a substance which is not vegetable, we must (I say) consider what species of precept or guide this person would prefer. And, firstly, he will doubtless be anxious to be shown some method that will neither fail in effect, nor deceive him in the trial of it. Secondly, he will be anxious that the prescribed method should not restrict him and tie him down to peculiar means, and certain particular methods of acting. For he will, perhaps, be at a loss, and without the power or opportunity of collecting and procuring such means. Now, if there be other means and methods (besides those prescribed) of creating such a nature, they will perhaps be of such a kind as are in his power; yet, by the confined limits of the precept he will be deprived of reaping any advantage from them. Thirdly, he will be anxious to be shown something not so difficult as the required effect itself, but approaching more nearly to practice.

We will lay this down, therefore, as the genuine and perfect rule of practice; "That it should be certain, free, and preparatory, or having relation to practice." And this is the same thing as the discovery of a true *form*. For the form of any nature is such, that when it is assigned, the particular nature infallibly follows. It is, therefore, always present when that nature is present, and universally attests such presence, and is inherent in the whole of it. The same form is of such a character, that if it be removed, the particular nature infallibly vanishes. It is, therefore, absent whenever that nature is absent, and perpetually testifies such absence, and exists in no other nature. Lastly, the true form is such, that it deduces the particular nature from some source of essence existing in many subjects, and more known (as they term it) to nature, than the form itself.* Such, then, is our determination and rule with regard to a genuine and perfect theoretical axiom; "that a nature be found convertible with a given nature, and yet such as to limit the more known nature, in the manner of a real genus." But these two rules, the practical and theoretical, are in fact the same, and that which is most useful in practice is most correct in theory.

5. But the rule or axiom for the transformation of bodies is of two kinds. The first regards the body as an aggregate or combination of simple natures. Thus, in gold are united the following circumstances; it is yellow, heavy, of a certain weight, malleable and ductile to a certain extent; it is not volatile, loses part of its substance by fire, melts in a peculiar manner, is separated and dissolved by particular methods, and so of the other *natures* observable in gold. An axiom, therefore, of this kind deduces the subject from the *forms* of simple natures. For he who has acquired the forms and methods of superinducing

* Plato's *ideas* or *forms*, are the abstractions or generalizations of distinct species, which have no *real* existence, *individuals only existing*.

† Observe throughout, Bacon's term *form* means no more than law. See, further, third paragraph of Aphorism 17 of this book.

* Thus, to adopt Bacon's own illustration, motion is a property common to many subjects, from which must be deduced the form of heat, by defining a particular genus of motion convertible with heat. See the First Vintage in Aphorism 20, below.

yellowness, weight, ductility, stability, deliquescence, solution, and the like, and their degrees and modes, will consider and contrive how to unite them in any body, so as to* transform it into gold. And this method of operating belongs to primary action. For it is the same thing to produce one or many simple natures, except that man is more confined and restricted in his operations, if many be required, on account of the difficulty of uniting many natures together. It must, however, be observed, that this method of operating (which considers natures as simple, though in a concrete body) sets out from what is constant, eternal, and universal in nature, and opens such broad paths to human power, as the thoughts of man can in the present state of things scarcely comprehend or figure to itself. The second kind of axiom (which depends on the discovery of the latent process) does not proceed by simple natures, but by concrete bodies, as they are found in nature, and in its usual course. For instance; suppose the inquiry to be, from what beginnings, in what manner, and by what process gold or any metal or stone is generated from the original menstruum, or its elements, up to the perfect mineral: or, in like manner, by what process plants are generated, from the first concretion of juices in the earth, or from seeds, up to the perfect plant, with the whole successive motion, and varied and uninterrupted efforts of nature; and the same inquiry be made as to a regularly deduced system of the generation of animals from coition to birth, and so on of other bodies.

Nor is this species of inquiry confined to the mere generation of bodies, but it is applicable to other changes and labours of nature. For instance; where an inquiry is made into the whole series, and continued operation of the nutritive process, from the first reception of the food, to its complete assimilation to the recipient: or into the voluntary motion of animals, from the first impression of the imagination, and the continuous effects of the spirits, up to the bending and motion of the joints; or into the free motion of the tongue and lips, and other accessories which give utterance to articulate sounds.* For all these investigations relate to concrete or associated natures, artificially brought together, and take into consideration certain particular and special habits of nature, and not those fundamental and general laws which constitute forms. It must, however, be plainly owned, that this method appears more prompt and easy, and of greater promise than the primary one.

In like manner the operative branch, which answers to this contemplative branch, extends and advances its operation from that which is usually observed in nature, to other subjects immediately connected with it, or not very remote from such immediate connexion. But the higher and radical operations upon nature, depend entirely on the primary axioms. Besides, even where man has not the means of acting, but only of acquiring knowledge, as in astronomy, (for man cannot act upon, change, or transform the heavenly bodies,) the investigation of facts or truth, as well as the knowledge of causes and coincidences, must be referred to those primary and universal axioms that regard simple natures; such as the nature of spontaneous rotation, attraction, or the magnetic force, and many others which are more common than the heavenly bodies themselves. For, let no one hope to determine the question, whether the earth or heaven revolve in the diurnal motion, unless he have first comprehended the nature of spontaneous rotation.

6. But the latent process, of which we speak, is far from being obvious to men's minds, beset as they now are. For, we mean not the measures, symptoms, or degrees of any process which can be exhibited in the bodies themselves, but simply a continued process, which, for the most part, escapes the observation of the senses.

For instance; in all generations and transformations of bodies, we must inquire, what is in the act of being lost and escaping, what remains, what is being added, what is being diluted, what is being contracted, what is being united, what is being separated, what is continuous, what is broken off, what is urging forward, what impedes, what predominates, what is subservient, and many other circumstances.

Nor are these inquiries again to be made in the mere generation and transformation of bodies only, but in all other alterations and fluctuations, we must in like manner inquire; what precedes, what succeeds, what is quick, what is slow, what produces and what governs motion, and the like. All which matters are unknown and unattempted by the sciences, in their present heavy and inactive state. For, since every natural act is brought about by the smallest efforts, or at least such as are too small to strike our senses, let no one hope that he will be able to direct or change nature, unless he have properly comprehended and observed these efforts.

7. In like manner, the investigation and discovery of the latent confirmation in bodies is no less new, than the discovery of the latent process and form. For, we as yet are doubtless only admitted to the antechamber of nature, and do not prepare an entrance into her presence-room. But nobody can endue a given body with a new nature, or transform it successfully and appropriately into a new body, without possessing a complete knowledge of the body so to be changed or transformed. For he will run into vain, or, at least, into difficult

* By the recent discoveries in electric magnetism, copper wires. indeed, wires of any metal may be transformed into magnets; the magnetic law or form having been to that extent discovered.

and perverse methods, ill adapted to the nature of the body upon which he operates. A clear path, therefore, towards this object, also must be thrown open, and well supported.

Labour is well and usefully bestowed upon the anatomy of organized bodies, such as those of men and animals, which appears to be a subtile matter, and a useful examination of nature. This species of anatomy, however, is that of first sight, open to the senses, and takes place only in organized bodies. It is obvious, and of ready access, when compared with the real anatomy of latent conformation in bodies which are considered similar, particularly in specific objects and their parts: as those of iron, stone, and the similar parts of plants and animals, as the root, the leaf, the flower, the flesh, the blood, and bones, &c. Yet human industry has not completely neglected this species of anatomy: for we have an instance of it in the separation of similar bodies by distillation, and other solutions, which shows the dissimilarity of the compound, by the union of the homogeneous parts. These methods are useful, and of importance to our inquiry, although attended generally with fallacy: for many natures are assigned and attributed to the separate bodies, as if they had previously existed in the compound, which, in reality, are recently bestowed and superinduced by fire and heat, and the other modes of separation. Besides, it is, after all, but a small part of the labour of discovering the real conformation in the compound, which is so subtile and nice, that it is rather confused and lost by the operation of the fire, than discovered and brought to light.

A separation and solution of bodies, therefore, is to be effected, not by fire indeed, but rather by reasoning and true induction, with the assistance of experiment, and by a comparison with other bodies, and a reduction to those simple natures and their forms, which meet and are combined in the compound; and we must assuredly pass from Vulcan to Minerva, if we wish to bring to light the real texture and conformation of bodies, upon which every occult and (as it is sometimes called) specific property and virtue of things depends, and whence, also, every rule of powerful change and transformation is deduced.

For instance, we must examine what spirit is in every body, what tangible essence; whether that spirit is copious and exuberant, or meagre and scarce, fine or coarse, aeriform or igniform, active or sluggish, weak or robust, progressive or retrograde, abrupt or continuous, agreeing with external and surrounding objects, or differing from them, &c. In like manner must we treat tangible essence, (which admits of as many distinctions as the spirit,) and its hairs, fibres, and varied texture. Again, the situation of the spirit in the corporeal mass, its pores, passages, veins, and cells, and the rudiments or first essays of the organic body are subject to the same examination. In these, however, as in our former inquiries, and therefore in the whole investigation of latent conformation, the only genuine and clear light which completely dispels all darkness and subtile difficulties, is admitted by means of the primary axioms.

8. This method will not bring us to atoms,* which takes for granted the vacuum, and the immutability of matter, (neither of which hypotheses is correct;) but to the real particles, such as we discover them to be. Nor is there any ground for alarm at this refinement, as if it were inexplicable, for, on the contrary, the more inquiry is directed to simple natures, the more will every thing be placed in a plain and perspicuous light; since we transfer our attention from the complicated to the simple, from the incommensurable to the commensurable, from surds to rational quantities, from the indefinite and vague to the definite and certain: as when we arrive at the elements of letters, and the simple tones of concords. The investigation of nature is best conducted when mathematics are applied to physics. Again, let none be alarmed at vast numbers and fractions; for, in calculation, it is as easy to set down or to reflect upon a thousand as a unit, or the thousandth part of an integer as an integer itself.

9. From† the two kinds of axioms above specified arise the two divisions of philosophy and the sciences, and we will use the commonly adopted terms, which approach the nearest to our meaning, in our own sense. Let the investigation of forms, which (in reasoning at least, and after their own laws) are eternal and immutable, constitute *metaphysics*, and let the investigation of the efficient cause of matter, latent process, and latent conformation (which all relate merely to the ordinary course of nature, and not to her fundamental and eternal laws) constitute *physics*. Parallel to these let there be two practical divisions; to *physics* that of *mechanics*, and to *metaphysics* that of *magic*, in the purest sense of the term, as applied to its ample means and its command over nature.

10. The object of our philosophy being thus laid down, we proceed to precepts, in the most clear and regular order. The signs for the interpretation of nature comprehend two divisions: the first regards the eliciting or creating of axioms from experiment, the second the deducing or deriving of new experiments from axioms. The first admits of three subdivisions into *ministrations*. 1. To the senses. 2. To the memory.

* The theory of the Epicureans and others. The atoms are supposed to be indivisible, unalterable particles, endued with all the properties of the given body, and forming that body by their union. They must be separated of course, which either takes a vacuum for granted, or introduces a tertium quid into the composition of the body.

† Compare the three following aphorisms with the three last chapters of the third book of the De Augmentis Scientiarum.

3. To the mind or reason. For we must first prepare as a foundation for the whole a complete and accurate natural and experimental history. We must not imagine or invent, but discover the acts and properties of nature.

But natural and experimental history is so varied and diffuse, that it confounds and distracts the understanding unless it be fixed and exhibited in due order. We must, therefore, form tables and co-ordinations of instances, upon such a plan, and in such order, that the understanding may be enabled to act upon them.

Even when this is done, the understanding, left to itself and its own operation, is incompetent and unfit to construct its axioms without direction and support. Our third ministration, therefore, must be true and legitimate induction, the very key of interpretation. We must begin, however, at the end, and go back again to the others.

11. The investigation of Forms proceeds thus: A nature being given, we must first present to the understanding all the known instances which agree in the same nature, although the subject-matter be considerably diversified. And this collection must be made as a mere history, and without any premature reflection, or too great degree of refinement. For instance: take the investigation of the form of heat.

Instances agreeing in the Form of Heat.

1. The rays of the sun, particularly in summer, and at noon.
2. The same reflected and condensed, as between mountains, or along walls, and particularly in burning mirrors.
3. Ignited meteors.
4. Burning lightning.
5. Eruptions of flames from the cavities of mountains, &c.
6. Flame of every kind.
7. Ignited solids.
8. Natural warm baths.
9. Warm or heated liquids.
10. Warm vapours and smoke: and the air itself, which admits a most powerful and violent heat if confined, as in reverberating furnaces.
11. Damp hot weather, arising from the constitution of the air, without any reference to the time of the year.
12. Confined and subterraneous air in some caverns, particularly in winter.
13. All shaggy substances, as wool, the skins of animals, and the plumage of birds, contain some heat.
14. All bodies, both solid and liquid, dense and rare, (as the air itself,) placed near fire for any time.
15. Sparks arising from the violent percussion of flint and steel.
16. All bodies rubbed violently, as stone, wood, cloth, &c., so that rudders, and axles of wheels, sometimes catch fire, and the West Indians obtain fire by attrition.
17. Green and moist vegetable matter confined and rubbed together; as roses, peas in baskets; so hay, if it be damp when stacked, often catches fire.
18. Quicklime sprinkled with water.
19. Iron, when first dissolved by acids in a glass, and without any application to fire; the same of tin, but not so intensely.
20. Animals, particularly internally; although the heat is not perceivable by the touch in insects, on account of their small size.
21. Horse dung, and the like excrement from other animals, when fresh.
22. Strong oil of sulphur and of vitriol exhibit the operation of heat in burning linen.
23. As does the oil of marjoram, and like substances, in burning the bony substance of the teeth.
24. Strong and well rectified spirits of wine exhibit the same effects; so that white of eggs when thrown into it, grows hard and white, almost in the same manner as when boiled, and bread becomes burnt and brown as if toasted.
25. Aromatic substances and warm plants, as the dracunculus [arum,] old nasturtium, &c.; which, though they be not warm to the touch, (whether whole or pulverized,) yet are discovered by the tongue and palate to be warm and almost burning when slightly masticated.
26. Strong vinegar and all acids, or any part of the body not clothed with the epidermis, as the eye, tongue, or any wounded part, or where the skin is removed, excite a pain differing but little from that produced by heat.
27. Even a severe and intense cold produces a sensation of burning.*

"Nam Boreæ penetrabile frigus adurit."

28. Other instances.

We are wont to call this a table of existence and presence.

12. We must next present to the understanding instances which do not admit of the given nature; for form (as we have observed) ought no less to be absent where the given nature is absent, than to be present where it is present. If, however, we were to examine every instance, our labour would be infinite.

Negatives, therefore, must be classed under the affirmatives, and the want of the given nature must be inquired into more particularly in objects which have a very close connexion with those others in which it is present and manifest. And this we are wont to term a table of deviation or of absence in proximity.

* "Ne tenues pluviæ, rapidive potentia solis
Acrior, aut Boreæ penetrabile frigus adurat."
Virg. Georg. I. v. 92, 93.

Proximate Instances wanting the Nature of Heat.

First negative subjunctive instance to the first affirmative instances.

The rays of the moon, stars, and comets, are not found to be warm to the touch, nay, the severest cold has been observed to take place at the full of the moon. Yet the larger fixed stars are supposed to increase and render more intense the heat of the sun, as he approaches them; when the sun is in the sign of the lion, for instance, and in the dog-days.

Second negative to the second affirmative.

The rays of the sun in what is called the middle region of the air give no heat, to account for which the commonly assigned reason is satisfactory; namely, that that region is neither sufficiently near to the body of the sun, whence the rays emanate, nor to the earth, whence they are reflected. And the fact is manifested by snow being perpetual on the tops of mountains, unless extremely lofty. But it is observed on the other hand by some, that at the Peak of Teneriffe, and also among the Andes of Peru, the tops of the mountains are free from snow, which only lies in the lower part, as you ascend. Besides, the air on the summit of these mountains is found to be by no means cold, but only thin and sharp; so much so, that in the Andes, it pricks and hurts the eyes from its extreme sharpness, and even excites the orifice of the stomach and produces vomiting. The ancients also observed, that the rarity of the air on the summit of Olympus, was such, that those who ascended it, were obliged to carry sponges moistened with vinegar and water, and to apply them now and then to their nostrils, as the air was not dense enough for their respiration; on the summit of which mountain it is also related, there reigned so great a serenity and calm, free from rain, snow, or wind, that the letters traced upon the ashes of the sacrifices on the altar of Jupiter, by the fingers of those who had offered them, would remain undisturbed till the next year. Those even, who, at this day, go to the top of the Peak of Teneriffe, walk by night and not in the daytime, and are advised and pressed by their guides, as soon as the sun rises, to make haste in their descent, on account of the danger, (apparently arising from the rarity of the atmosphere,) lest their breathing should be relaxed and suffocated.

Third negative to the second affirmative.

The reflection of the solar rays in the polar regions is found to be weak and inefficient in producing heat; so that the Dutch, who wintered in Nova Zembla, and expected that their vessels would be freed about the beginning of July from the obstruction of the mass of ice which had blocked it up, were disappointed and obliged to embark in their boat. Hence the direct rays of the sun appear to have but little power even on the plain, and when reflected, unless they are multiplied and condensed, which takes place when the sun tends more to the perpendicular; for then the incidence of the rays occurs at more acute angles, so that the reflected rays are nearer to each other, whilst, on the contrary, when the sun is in a very oblique position, the angles of incidence are very obtuse and the reflected rays at a greater distance. In the mean time it must be observed, that there may be many operations of the solar rays, relating too to the nature of heat, which are not proportioned to our touch, so that, with regard to us, they do not tend to produce warmth, but, with regard to some other bodies, have their due effect in producing it.

Fourth negative to the second affirmative.

Let the following experiment be made. Take a lens the reverse of a burning glass, and place it between the hand and the solar rays, and observe whether it diminish the heat of the sun, as a burning glass increases it. For it is clear, with regard to the visual rays, that, in proportion as the lens is made of unequal thickness in the middle and at its sides, the images appear either more diffused or contracted. It should be seen, therefore, if the same be true with regard to heat.

Fifth negative to the second affirmative.

Let the experiment be well tried, whether the lunar rays can be received and collected by the strongest and best burning-glasses, so as to produce even the least degree of heat. But if that degree be, perhaps, so subtile and weak, as not to be perceived or ascertained by the touch, we must have recourse to those glasses which indicate the warm or cold state of the atmosphere, and let the lunar rays fall through the burning glass on the top of this thermometer, and then notice if the water be depressed by the heat.*

Sixth negative to the second affirmative.

Let the burning-glass be tried on warm objects which emit no luminous rays, as heated, but not ignited iron or stone, or hot water, or the like; and observe whether the heat become increased and condensed, as happens with the solar rays.

Seventh negative to the second affirmative.

Let it be tried on common flame.

Eighth negative to the third affirmative.

The effect of comets, (if we can reckon them amongst meteors,) in augmenting the heat of the season, is not found to be constant or clear, although droughts have generally been observed to follow them. However, luminous lines, and pil-

* For the construction of Bacon's thermometer see No. 38 in the table of the degrees of heat. It serves also as a barometer, but is inaccurate in both capacities.

lars, and openings, and the like, appear more often in winter than in summer, and especially with the most intense cold, but joined with drought. Lightning, and coruscations, and thunder, however, rarely happen in winter, and generally at the time of the greatest heats. The appearances we term falling stars, are generally supposed to consist of some shining and enflamed viscous substance, rather than of violently hot matter. But let this be further investigated.

Ninth negative to the fourth affirmative.

Some coruscations emit light without burning; but are never accompanied by thunder.

Tenth negative to the fifth affirmative.

Eructations and eruptions of flame are to be found in cold climates as well as in hot, as in Iceland and Greenland; just as the trees of cold countries are sometimes inflammable, and more pitchy and resinous than in warm; as the fir, pine, and the like. But the position and nature of the soil, where such eruptions are wont to happen, is not yet sufficiently investigated to enable us to subjoin a negative instance to the affirmative.

Eleventh negative to the sixth affirmative.

All flame is constantly more or less warm, and this instance is not altogether negative. Yet, it is said, that the ignis fatuus, (as it is called,) and which sometimes is driven against walls, has but little heat; perhaps it resembles that of spirits of wine, which is mild and gentle. That flame, however, appears yet milder, which, in some well authenticated and serious histories, is said to have appeared round the head and hair of boys and virgins, and instead of burning their hair, merely to have played about it. And it is most certain that a sort of flash, without any evident heat, has sometimes been seen about a horse when sweating at night, or in damp weather. It is also a well known fact,* and it was almost considered as a miracle, that, a few years since, a girl's apron sparkled when a little shaken or rubbed; which was, perhaps, occasioned by the alum or salts with which the apron was imbued, and which, after having been stuck together and incrusted rather strongly, were broken by the friction. It is well known that all sugar, whether candied or plain, if it be hard, will sparkle when broken or scraped in the dark. In like manner sea and salt water is sometimes found to shine at night when struck violently by the oar. The foam of the sea, when agitated by tempests, also sparkles at night, and the Spaniards call this appearance the sea's lungs. It has not been sufficiently ascertained what degree of heat attends the flame which the ancient sailors called Castor and Pollux, and the moderns call St. Ermus's fire.

* Was it a silk apron, which will exhibit electric sparks? but silk was then scarce.

Twelfth negative to the seventh affirmative.

Every ignited body that is red-hot is always warm, although without flame, nor is any negative instance subjoined to this affirmative. Rotten wood, however, approaches nearly to it, for it shines at night, and yet is not found to be warm; and the putrefying scales of fish, which shine in the same manner, are not warm to the touch, nor the body of the glow-worm, or of the fly called lucciola.*

Thirteenth negative to the eighth affirmative.

The situation and nature of the soil of natural warm baths has not been sufficiently investigated, and, therefore, a negative instance is not subjoined.

Fourteenth negative to the ninth affirmative.

To the instances of warm liquids we may subjoin the negative one of the peculiar nature of liquids in general. For no tangible liquid is known that is at once warm in its nature and constantly continues warm; but their heat is only superinduced as an adventitious nature for a limited time; so that those which are extremely warm in their power and effect, as spirits of wine, chymical aromatic oils, the oils of vitriol and sulphur, and the like, and which speedily burn, are yet cold at first to the touch, and the water of natural baths, poured into any vessel and separated from its source, cools down like water heated by the fire. It is, however, true, that oily substances are rather less cold to the touch than those that are aqueous, oil for instance than water, silk than linen; but this belongs to the table of degrees of cold.

Fifteenth negative to the tenth affirmative.

In like manner we may subjoin a negative instance to that of warm vapour, derived from the nature of vapour itself; as far as we are acquainted with it. For exhalations from oily substances, though easily inflammable, are yet never warm unless recently inhaled from some warm substance.

Sixteenth negative to the tenth affirmative.

The same may be said of the instance of air. For we never perceive that air is warm, unless confined or pressed, or manifestly heated by the sun, by fire, or some other warm body.

Seventeenth negative to the eleventh affirmative.

A negative instance is exhibited in weather by its coldness with an east or north wind, beyond what the season would lead us to expect; just as the contrary takes place with the south or west winds. An inclination to rain (especially in winter) attends warm weather, and to frost cold weather.

Eighteenth negative to the twelfth affirmative.

A negative instance as to air confined in caverns

* The Italian fire-fly.

may be observed in summer. Indeed we should make a more diligent inquiry into the nature of confined air. For, in the first place, the qualities of air in its own nature with regard to heat and cold, may reasonably be the subject of doubt. For air evidently derives its heat from the effects of celestial bodies, and possibly its cold from the exhalation of the earth, and in the mid region of air (as it is termed) from cold vapours and snow, so that no judgment can be formed of the nature of air by that which is out of doors and exposed, but a more correct one might be derived from confined air. It is necessary, however, that the air should be enclosed in a vessel of such materials as would not imbue it with heat or cold of themselves, nor easily admit the influence of the extexternal atmosphere. The experiment should be made therefore with an earthen jar, covered with folds of leather to protect it from the external air, and the air should be kept three or four days in this vessel well closed. On opening the jar, the degree of heat may be ascertained either by the hand or a graduated glass tube.

Nineteenth negative to the thirteenth affirmative.

There is a similar doubt as to whether the warmth of wool, skins, feathers, and the like, is derived from a slight inherent heat, since they are animal excretions, or from their being of a certain fat and oily nature that accords with heat, or merely from the confinement and separation of air which we spoke of in the preceding paragraph.* For all air appears to possess a certain degree of warmth when separated from the external atmosphere. Let an experiment be made, therefore, with fibrous substances of linen, and not of wool, feathers, or silk, which are animal excretions. For it is to be observed that all powders (where air is manifestly enclosed) are less cold than the substances when whole, just as we imagine froth (which contains air) to be less cold than the liquid itself.

Twentieth negative to the fourteenth affirmative.

We have here no exactly negative instance, for we are not acquainted with any body tangible or spirituous which does not admit of heat when exposed to the fire. There is, however, this difference, that some admit it more rapidly, as air, oil, and water, others more slowly, as stone and metals.† This, however, belongs to the table of degrees.

Twenty-first negative to the fifteenth affirmative.

No negative is here subjoined, except the remark that sparks are not kindled by flint and steel, or any other hard substance, unless some small particles of the stone or metal are struck off, and that the air never forms them by friction, as is commonly supposed; besides, the sparks from the weight of the ignited substance, have a tendency to descend rather than to rise, and when extinguished become a sort of dark ash.

Twenty-second negative to the sixteenth affirmative.

We are of opinion that here again there is no negative. For we are not acquainted with any tangible body which does not become decidedly warm by friction, so that the ancients feigned that the gods had no other means or power of creating heat than the friction of air, by rapid and violent rotation. On this point, however, further inquiry must be made, whether bodies projected by machines (as balls from cannon) do not derive some degree of heat from meeting the air, which renders them somewhat warm when they fall. The air in motion rather cools than heats, as in the winds, the bellows, or breath when the mouth is contracted. The motion, however, in such instances is not sufficiently rapid to excite heat, and is applied to a body of air and not to its component parts, so that it is not surprising that heat should not be generated.

Twenty-third negative to the seventeenth affirmative.

We must make a more diligent inquiry into this instance. For herbs, and green and moist vegetables appear to possess a latent heat, so small, however, as not to be perceived by the touch in single specimens, but when they are united and confined, so that their spirit cannot exhale into the air, and they rather warm each other, their heat is at once manifested, and even flame occasionally in suitable substances.

Twenty-fourth negative to the eighteenth affirmative.

Here, too, we must make a more diligent inquiry. For quicklime, when sprinkled with water, appears to conceive heat, either from its being collected into one point, (as we observed of herbs when confined,) or from the irritation and exasperation of the fiery spirit by water, which occasions a conflict and struggle. The true reason will more readily be shown if oil be used instead of water, for oil will equally tend to collect the confined spirit, but not to irritate. The experiment may be made more general, both by using the ashes and calcined products of different bodies, and by pouring different liquids upon them.

Twenty-fifth negative to the nineteenth affirmative.

A negative instance may be subjoined of other metals which are more soft and soluble. For leaf old dissolved by aqua regia, or lead by aqua ortis, are not warm to the touch whilst dissolving, no more is quicksilver, (as far as I remember,) but

* This last is found to be the real air not being a good conductor, and therefore not allowing the escape of heat. The confined air is disengaged when these substances are placed under an exhausted receiver.

† This is erroneous. Air, in fact, is one of the worst, and metals are the best conductors of heat.

silver excites a slight heat, and so does copper, and tin yet more plainly, and most of all, iron and steel, which excite not only a powerful heat, but a violent bubbling. The heat, therefore, appears to be occasioned by the struggle which takes place when these strong dissolvents penetrate, dig into, and tear asunder the parts of those substances, whilst the substances themselves resist. When, however, the substances yield more easily, scarcely any heat is excited.

Twenty-sixth negative to the twentieth affirmative.

There is no negative instances with regard to the heat of animals, except in insects, (as has been observed,) owing to their small size. For, in fishes, as compared with land animals, a lower degree rather than a deprivation of heat is observable. In plants and vegetables, both as to their exudations and pith when freshly exposed, there is no sensible degree of heat. But in animals there is a great difference in the degree, both in particular parts, (for the heat varies near the heart, the brain, and the extremities,) and in the circumstances in which they are placed, such as violent exercise and fevers.

Twenty-seventh negative to twenty-first affirmative.

Here again there is scarcely a negative instance. I might add that the excrements of animals, even when they are no longer fresh, possess evidently some effective heat, as is shown by their enriching the soil.

Twenty-eighth negative to the twenty-second and twenty-third affirmative.

Such liquids (whether oily or watery) as are intensely acrid, exhibit the effects of heat, by the separation and burning of bodies after some little action upon them, yet they are not at first warm to the touch. But they act according to their affinity and the pores of the substances to which they are applied. For aqua regia dissolves gold, but not silver, on the contrary, aqua fortis dissolves silver, but not gold; neither of them dissolves glass, and so of the rest.

Twenty-ninth negative to twenty-fourth affirmative.

Let spirits of wine be tried on wood, or butter, wax, or pitch, to see if this will melt them at all by their heat. For the 24th instance shows that they possess properties resembling those of heat in causing incrustation. Let an experiment also be made with a graduated glass or calendar,* concave at the top, by pouring well rectified spirits of wine into the cavity, and covering it up in order that they may the better retain their heat, then observe whether their heat make the water descend.

Thirtieth negative to twenty-fifth affirmative.

Spices and acrid herbs are sensibly warm to the palate, and still more so when taken internally. One should see, therefore, on what other substances they exhibit the effects of heat. Now, sailors tell us that when large quantities of spices are suddenly opened, after having been shut up for some time, there is some danger of fever and inflammation to those who stir them or take them out. An experiment might therefore be made whether such spices and herbs when produced will, like smoke, dry fish and meat hung up over them.

Thirty-first negative to twenty-sixth affirmative.

There is an acrid effect, and a degree of penetration in cold liquids, such as vinegar and oil of vitriol, as well as in warm, such as oil of marjoram and the like. They have, therefore, an equal effect in causing animated substances to smart, and separating and consuming inanimate parts. There is not any negative instance as to this, nor does there exist any animal pain unaccompanied by the sensation of heat.

Thirty-second negative to twenty-seventh affirmative.

There are many effects common to cold and heat, however different in their process. For, snow balls appear to burn boys' hands after a little time, and cold no less than fire preserves bodies from putrefaction, besides, both heat and cold contract bodies. But it is better to refer these instances and the like to the investigation of cold.

13. In the third place, we must exhibit to the understanding the instances in which that nature, which is the object of our inquiries, is present in a greater or less degree, either by comparing its increase and decrease in the same object, or its degree in different objects. For, since the form of a thing is its very essence, and the thing only differs from its form as the apparent from the actual object, or the exterior from the interior, or that which is considered with relation to man from that which is considered with relation to the universe; it necessarily follows that no nature can be considered a real form, which does not uniformly diminish and increase with the given nature. We are wont to call this our table of degrees or comparative instances.

Table of the Degrees or Comparative Instances of Heat.

We will first speak of those bodies which exhibit no degree of heat sensible to the touch, but appear rather to possess a potential heat, or disposition and preparation for it. We will then go on to others, which are actually warm to the touch, and observe the strength and degree of it.

1. There is no known solid or tangible body which is by its own nature originally warm. For neither stone, metal, sulphur, fossils, wood, water, nor dead animal carcasses, are found warm.

* See No. 38, in the table of the degrees of heat.

The warm springs in baths appear to be heated accidentally, by flame, subterraneous fire, (such as is thrown up by Etna and many other mountains,) or by the contact of certain bodies, as heat is exhibited in the dissolution of iron and tin. The degree of heat, therefore, in inanimate objects is not sensible to our touch, but they differ in their degrees of cold, for wood and metal are not equally cold. This, however, belongs to the table of degrees of cold.

2. But with regard to potential heat and predisposition to flame, we find many inanimate substances wonderfully adapted to it; as sulphur, naphtha, and saltpetre.

3. Bodies which have previously acquired heat, as horse-dung from the animal, or lime, and perhaps ashes or soot from fire, retain some latent portion of it. Hence distillations and separations of substances are effected by burying them in horse-dung, and heat is excited in lime by sprinkling it with water, (as has been before observed.)

4. In the vegetable world we know of no plant, nor part of any plant, (as the exudations or pith) that is warm to man's touch. Yet, as we have before observed, green weeds grow warm when confined, and some vegetables are warm and others cold to our internal touch, i. e. the palate and stomach, or even, after a while, to our external skin, (as is shown in plasters and ointments.)

5. We know of nothing in the various parts of animals, when dead or detached from the rest, that is warm to the touch. For horse-dung itself does not retain its heat, unless it be confined and buried. All dung, however, appears to possess a potential heat, as in manuring fields. So, also, dead bodies are endued with this latent and potential heat, to such a degree that, in cemeteries where people are interred daily, the earth acquires a secret heat which consumes any recently deposited body much sooner than pure earth; and they tell you that the people of the East are acquainted with a fine soft cloth, made of the down of birds, which can melt butter wrapt gently up in it by its own warmth.

6. Manures, such as every kind of dung, chalk, sea-sand, salt, and the like, have some disposition towards heat.

7. All putrefaction exhibits some slight degree of heat, though not enough to be perceptible by the touch. For, neither the substances, which by putrefaction are converted into animalculæ, as flesh and cheese, nor rotten wood, which shines in the dark, are warm to the touch. The heat, however, of putrid substances displays itself occasionally in a disgusting and strong scent.

8. The first degree of heat, therefore, in substances which are warm to the human touch, appears to be that of animals, and this admits of a great variety of degrees, for the lowest (as in insects) is scarcely perceptible, the highest scarcely equals that of the sun's rays in warm climates and weather, and is not so acute as to be insufferable to the hand. It is said, however, of Constantius, and some others of a very dry constitution and habit of body, that when attacked with violent fevers, they became so warm as to appear almost to burn the hand applied to them.

9. Animals become more warm by motion and exercise, wine and feasting, venery, burning fevers, and grief.

10. In the paroxysm of intermittent fevers the patients are at first seized with cold and shivering, but soon afterwards become more heated than at first; in burning and pestilential fevers they are hot from the beginning.

11. Let further inquiry be made into the comparative heat of different animals, as fishes, quadrupeds, serpents, birds: and also of the different species, as the lion, the kite, or man. For, according to the vulgar opinion, fishes are the least warm internally, and birds the most; particularly doves, hawks, and ostriches.

12. Let further inquiry be made as to the comparative heat in different parts and limbs of the same animal. For milk, blood, seed, and eggs are moderately warm, and less hot than the outward flesh of the animal when in motion or agitated. The degree of heat of the brain, stomach, heart, and the rest, has not yet been equally well investigated.

13. All animals are externally cold in winter and cold weather, but are thought to be internally warmer.

14. The heat of the heavenly bodies, even in the warmest climates and seasons, never reaches such a pitch as to light or burn the dryest wood or straw, or even tinder without the aid of burning-glasses. It can, however, raise vapour from moist substances.

15. Astronomers tell us that some stars are hotter than others. Mars is considered the warmest after the sun, then Jupiter, then Venus. The moon and, above all, Saturn are considered to be cold. Among the fixed stars, Sirius is thought the warmest, then Cor Leonis, or Regulus, then the lesser dog-star.

The sun gives out more heat as it approaches towards the perpendicular or zenith, which may be supposed to be the case with the other planets according to their degree of heat; for instance, that Jupiter gives out more heat when situated beneath Cancer or Leo, than when he is beneath Capricorn and Aquarius.

17. It is to be supposed that the sun and other planets give more heat in perigee, from their approximation to the earth, than when in apogee. But if in any country the sun should be both in its perigee and nearer to the perpendicular at the same time, it must necessarily give out more heat than in a country where it is also in perigee, but situated more obliquely. So that the comparative altitude of the planets should be observed, and

their approach to or declination from the perpendicular in different countries.

18. The sun* and other planets are thought also to give out more heat in proportion as they are nearer to the larger fixed stars; as when the sun is in Leo he is nearer Cor Leonis, Cauda Leonis, Spica Virginis, Sirius, and the lesser dog-star, than when he is in Cancer, where, however, he approaches nearer to the perpendicular. It is probable also that the quarters of the heavens produce a greater heat (though not perceptibly) in proportion as they are adorned with a greater number of stars, particularly those of the first magnitude.

19. On the whole, the heat of the heavenly bodies is augmented in three ways: 1. The approach to the perpendicular; 2. Proximity or their perigee; 3. The conjunction or union of stars.

20. There is a very considerable difference between the degree of heat in animals, and even in the rays of the heavenly bodies, (as they reach us,) and the heat of the most gentle flame, and of all ignited substances, nay, liquids, or the air itself, when unusually heated by fire. For the flame of spirit of wine, though diffused and uncollected, is yet able to set straw, linen, or paper on fire, which animal heat, or that of the sun, will never accomplish without a burning-glass.

21. There are, however, many degrees of strength and weakness in flame and ignited bodies: but no diligent inquiry has been made in this respect, and we must, therefore, pass it hastily over. Of all flames, that of spirits of wine appears to be the most gentle, except, perhaps, the ignis fatuus, or the flashes from the perspiration of animals. After this we should be inclined to place the flame of light and porous vegetables, such as straw, reeds, and dried leaves; from which the flame of hair or feathers differs but little. Then, perhaps, comes the flame of wood, particularly that which contains but little rosin or pitch, that of small wood, however, (such as is usually tied up in fagots,) is milder than that of the trunks or roots of trees. This can be easily tried in iron furnaces, where a fire of fagots or branches of trees is of little service. Next follows the flame of oil, tallow, wax, and the like oily and fat substances, which are not very violent. But a most powerful heat is found in pitch and rosin, and a still greater in sulphur, camphire, naphtha, saltpetre, and salts, (after they have discharged their crude matter,) and in their compounds; as in gunpowder, Greek fire, (vulgarly called wild fire,) and its varieties, which possess such a stubborn heat as scarcely to be extinguished by water.

22. We consider that the flame which results from some imperfect metals is very strong and active: but on all these points further inquiry should be made.

23. The flame of vivid lightning appears to exceed all the above, so as sometimes to have melted even wrought iron into drops, which the other flames cannot accomplish.

24. In ignited bodies there are different degrees of heat, concerning which also a diligent inquiry has not been made. We consider the faintest heat to be that of tinder, touchwood, and dry rope match, such as is used for discharging cannon. Next follows that of ignited charcoal, or cinders, and even bricks, and the like; but the most violent is that of ignited metals, as iron, copper, and the like. Further inquiry, however, must be made into this also.

25. Some ignited bodies are found to be much warmer than some flames; for instance, red-hot iron is much warmer, and burns more than the flame of spirits of wine.

26. Some bodies even not ignited, but only heated by the fire, as boiling water, and the air confined in reverberatories, surpass in heat many flames and ignited substances.

27. Motion increases heat, as is shown in the bellows and the blow-pipe, for the harder metals are not dissolved or melted by steady, quiet fire, without the aid of the blow-pipe.

28. Let an experiment be made with burning-glasses; in which respect I have observed, that if a glass be placed at the distance of ten inches, for instance, from the combustible object, it does not kindle or burn it so readily as if the glass be placed at the distance of five inches, (for instance,) and be then gradually and slowly withdrawn to the distance of ten inches. The cone and focus of the rays, however, are the same, but the mere motion increases the effect of the heat.

29. Conflagrations, which take place with a high wind, are thought to make greater way against than with the wind, because, when the wind slackens, the flame recoils more rapidly than it advances, when the wind is favourable.

30. Flame does not burst out or arise unless it have some hollow space to move and exert itself in, except in the exploding flame of gunpowder and the like, where the compression and confinement of the flame increases its fury.

31. The anvil becomes so hot by the hammer, that if it were a thin plate, it might probably grow red, like ignited iron, by repeated strokes. Let the experiment be tried.

32. But in ignited bodies that are porous, so as to leave room for the fire to move itself, if its motion be prevented by strong compression, the fire is immediately extinguished; thus it is with tinder, or the burning snuff of a candle or lamp, or even hot charcoal cinders, for when they are squeezed by snuffers, or the foot, and the like, the effect of the fire instantly ceases.

* This notion is erroneous, but the sun is in Leo about August, when the earth has become heated by the accumulation of heat after the solstice. The maximum of heat in the day is not at noon, but about two o'clock, for the same reason.

33. The approach towards a hot body, increases heat in proportion to the approximation; a similar effect to that of light, for the nearer any object is placed towards the light, the more visible it becomes.

34. The* union of different heats increases heat, unless the substances be mixed. For a large and small fire in the same spot, tend mutually to increase each other's heat, but lukewarm water poured into boiling water cools it.

35. The continued neighbourhood of a warm body increases heat. For the heat, which perpetually passes and emanates from it, being mixed with that which preceded it, multiplies the whole. A fire, for instance, does not warm a room in half an hour as much as the same fire would in an hour. This does not apply to light, for a lamp or candle placed in any spot, gives no more light by remaining there, than it did at first.

36. The irritation of surrounding cold increases heat, as may be seen in fires during a sharp frost. We think that this is owing not merely to the confinement and compression of the heat, (which forms a sort of union;) but also by the exasperation of it, as when the air or a stick are violently compressed or bent, they recoil, not only to the point they first occupied, but still further back. Let an accurate experiment, therefore, be made with a stick, or something of the kind, put into the flame, in order to see whether it be not sooner burnt at the sides than in the middle of it.†

37. There are many degrees in the susceptibility of heat. And, first, it must be observed how much a low, gentle heat changes and partially warms even the bodies least susceptible of it. For even the heat of the hand imparts a little warmth to a ball of lead or other metal held a short time in it. So easily is heat transmitted and excited, without any apparent change in the body.

38. Of all bodies that we are acquainted with, air admits and loses heat the most readily, which is admirably seen in weather-glasses, whose construction is as follows. Take a glass with a hollow belly, and a thin and long neck; turn it upside down, and place it with its mouth downwards into another glass vessel containing water; the end of the tube touching the bottom of the vessel, and the tube itself leaning a little on the edge, so as to be fixed upright. In order to do this more readily, let a little wax be applied to the edge, not, however, so as to block up the orifice, lest by preventing the air from escaping, the motion, which we shall presently speak of, and which is very gentle and delicate, should be impeded.

Before the first glass be inserted in the other, its upper part (the belly) should be warmed at the fire. Then upon placing it as we have described, the air, (which was dilated by the heat,) after a sufficient time has been allowed for it to lose the additional temperature, will restore and contract itself to the same dimensions as that of the external or common atmosphere at the moment of immersion, and the water will be attracted upwards in the tube to a proportionate extent. A long, narrow slip of paper should be attached to the tube, divided into as many degrees as you please. You will then perceive, as the weather grows warmer or colder, that the air contracts itself into a narrower space in cold weather, and dilates in the warm, which will be exhibited by the rising of the water as the air contracts itself, and its depression as the air dilates. The sensibility of the air with regard to heat or cold is so delicate and exquisite, that it far exceeds the human touch, so that a ray of sunshine, the heat of the breath, and, much more, that of the hand placed on the top of the tube, immediately causes an evident depression of the water. We think, however, that the spirit of animals possesses a much more delicate susceptibility of heat and cold, only that it is impeded and blunted by the grossness of their bodies.

39. After air we consider those bodies to be most sensible of heat, which have been recently changed and contracted by cold, as snow and ice; for they begin to be dissolved and melt with the first mild weather. Next, perhaps, follows quicksilver; then greasy substances, as oil, butter, and the like; then wood; then water; lastly, stones and metals, which do not easily grow hot, particularly towards their centre.* When heated, however, they retain their temperature for a very long time; so that a brick or stone, or hot iron plunged in a basin of cold water, and kept there for a quarter of an hour or thereabouts, retains such a heat as not to admit of being touched.

40. The less massive the body is, the more readily it grows warm at the approach of a heated body, which shows that heat with us is somewhat averse to a tangible mass.†

41. Heat, with regard to the human senses and touch, is various and relative, so that lukewarm

* The fires supply fresh heat, the water has only a certain quantity of heat, which being diffused over a fresh supply of cooler water, must be, on the whole, lowered.

† If condensation were the cause of the greater heat, Bacon concludes the centre of the flame would be the hotter part, and vice versa. The fact is, neither of the causes assigned by Bacon is the true one; for the fire burns more quickly only because the draught of air is more rapid, the cold, dense air pressing rapidly into the heated room and towards the chimney.

* Bacon appears to have confounded combustibility and fusibility with susceptibility of heat; for, though the metals will certainly neither dissolve as soon as ice or butter, nor be consumed as soon as wood, that only shows that different degrees of heat are required to produce similar effects on different bodies; but metals much more readily acquire and transmit the same degree of heat than any of the above substances. The rapid transmission renders them generally cold to the touch. The convenience of fixing wooden handles to vessels containing hot water illustrates these observations.

† Another singular error, the truth being that solid bodies are the best conductors; but of course where heat is diffused over a large mass, it is less in each part, than if that part also alone received the whole quantum of heat.

water appears hot if the hand be cold, and cold if the hand be hot.

Aph. 14.

Any one may readily see how poor we are in history, since in the above tables, besides occasionally inserting traditions and report instead of approved history and authentic instances, (always, however, adding some note of their credit or authority be doubtful,) we are often forced to subjoin, "Let the experiment be tried."—"Let further inquiry be made."

15. We are wont to term the office and use of these three tables, the presenting a review of instances to the understanding; and when this has been done, induction itself is to be brought into action. For on an individual review of all the instances, a nature is to be found, such as always to be present and absent with the given nature, to increase and decrease with it, and as we have said, to form a more common limit of the nature. If the mind attempt this affirmatively from the first, (which it always will when left to itself,) there will spring up phantoms, mere theories and ill-defined notions, with axioms requiring daily correction. These will, doubtless, be better or worse, according to the power and strength of the understanding which creates them. But it is only for God, (the bestower and creator of forms,) and perhaps for angels and intelligences, at once to recognise forms affirmatively, at the first glance of contemplation: man at least is unable to do so, and is only allowed to proceed first by negatives, and then to conclude with affirmatives, after every species of exclusion.

16. We must therefore effect a complete solution and separation of nature; not by fire, but by the mind, that divine fire. The first work of legitimate induction, in the discovery of forms, is rejection, or the exclusive instances of individual natures, which are not found in some one instance, where the given nature is present, or are found in any one instance where it is absent, or are found to increase in any one instance where the given nature decreases, or the reverse. After an exclusion correctly effected, an affirmative form will remain as the residuum, solid, true, and well defined, whilst all volatile opinions go off in smoke. This is readily said, but we must arrive at it by a circuitous route. We shall, perhaps, however, omit nothing that can facilitate our progress.

17. The first and almost perpetual precaution and warning which we consider necessary is this: that none should suppose from the great part assigned by us to forms, that we mean such forms as the meditations and thoughts of men have hitherto been accustomed to. In the first place, we do not at present mean the concrete forms, which (as we have observed) are in the course of things compounded of simple natures, as those of a lion, an eagle, a rose, gold, or the like. The moment for discussing these will arrive, when we come to treat of the latent process, and latent conformation, and the discovery of them as they exist in what are called substances, or concrete natures.

Nor, again, would we be thought to mean (even when treating of simple natures) any abstract forms or ideas, either undefined or badly defined in matter. For when we speak of forms, we mean nothing else than those laws and regulations of simple action, which arrange and constitute any simple nature, such as heat, light, weight, in every species of matter, and in a susceptible subject. The form of heat, or form of light, therefore, means no more than the law of heat, or the law of light. Nor do we ever abstract or withdraw ourselves from things, and the operative branch of philosophy. When, therefore, we say, (for instance,) in our investigation of the form of heat, reject rarity, or rarity is not of the form of heat, it is the same as if we were to say, "Man can superinduce heat on a dense body," or the reverse, "Man can abstract or ward off heat from a rare body."

But if our forms appear to any one to be somewhat abstracted, from their mingling and uniting heterogeneous objects, (the heat, for instance, of the heavenly bodies, appears to be very different from that of fire; the fixed red of the rose and the like, from that which is apparent in the rainbow, or the radiation of opal or the diamond;* death by drowning, from that by burning, the sword, apoplexy, or consumption; and yet they all agree in the common natures of heat, redness, and death,) let him be assured that his understanding is enthralled by habit, by general appearances and hypotheses. For it is most certain that, however heterogeneous and distinct, they agree in the form or law which regulates heat, redness, or death; and that human power cannot be emancipated and freed from the common course of nature, and expanded and exalted to new efficients and new modes of operation, except by the revelation and invention of forms of this nature. But after† this union of nature, which is the principal point, we will afterwards, in its proper place, treat of the divisions and ramifications of nature, whether ordinary or internal, or more real.

18. We must now offer an example of the exclusion or rejection of natures, found by the tables of review, not to be of the form of heat; first, premising, that not only each table is sufficient for the rejection of any nature, but even each single instance contained in them. For it is clear from what has been said, that every contradictory

* This general law or form, has been well illustrated by Newton's discovery of the decomposition of colours.

† I. e. the common link or *form* which connects the various kinds of natures, such as the different hot or red natures enumerated above. See Aphorism 3, Part 2.

instance destroys an hypothesis as to the form. Still, however, for the sake of clearness, and in order to show more plainly the use of the tables, we redouble or repeat the exclusive.

An Example of the exclusive Table, or of the Rejection of Natures from the Form of Heat.

1. On account of the sun's rays reject elementary (or terrestrial) nature.

2. On account of common fire, and particularly subterranean fires, (which are the most remote and secluded from the rays of the heavenly bodies,) reject celestial nature.

3. On account of the heat acquired by every description of substances, (as minerals, vegetables, the external parts of animals, water, oil, air, &c.) by mere approximation to the fire or any warm body, reject all variety and delicate texture of bodies.

4. On account of iron and ignited metals, which warm other bodies, and yet neither lose their weight nor substance, reject the imparting or mixing of the substance of the heating body.

5. On account of boiling water and air, and also those metals and other solid bodies which are heated, but not to ignition, or red heat, reject flame or light.

6. On account of the rays of the moon and other heavenly bodies, (except the sun,) again reject flame or light.

7. On account of the comparison between red-hot iron and the flame of spirits of wine, (for the iron is more hot and less bright, whilst the flame of spirits of wine is more bright and less hot,) again reject flame and light.

8. On account of gold and other ignited metals, which are of the greatest specific density, reject rarity.

9. On account of air, which is generally found to be cold and yet continues rare, reject rarity.

10. On account of ignited iron,* which does not swell in bulk, but retains the same apparent dimension, reject the absolute expansive motion of the whole.

11. On account of the expansion of the air in thermometers, and the like, which is absolutely moved and expanded to the eye, and yet acquires no manifest increase of heat, again reject absolute or expansive motion of the whole.

12. On account of the ready application of heat to all substances, without any destruction or remarkable alteration of them, reject destructive nature or the violent communication of any new nature.

13. On account of the agreement and conformity of the effects produced by cold and heat, reject both expansive and contracting motion as regards the whole.

14. On account of the heat excited by friction, reject principal nature, by which we mean that which exists positively, and is not caused by a preceding nature.

There are other natures to be rejected; but we are merely offering examples, and not perfect tables.

None of the above natures are of the form of heat; and man is freed from them all in his operation upon heat.

Aph. 19.

In the exclusive table are laid the foundations of true induction, which is not, however, completed until the affirmative be attained. Nor is the exclusive table perfect, nor can it be so at first. For it is clearly a rejection of simple natures; but if we have not as yet good and just notions of simple natures, how can the exclusive table be made correct? Some of the above, as the notion of elementary and celestial nature and rarity, are vague and ill-defined. We, therefore, who are neither ignorant nor forgetful of the great work which we attempt, in rendering the human understanding adequate to things and nature, by no means rest satisfied with what we have hitherto enforced; but push the matter farther, and contrive and prepare more powerful aid for the use of the understanding, which we will next subjoin. And, indeed, in the interpretation of nature, the mind is to be so prepared and formed, as to rest itself on proper degrees of certainty, and yet to remember, (especially at first,) that what is present, depends much upon what remains behind.

20. Since, however, truth emerges more readily from error than confusion, we consider it useful to leave the understanding at liberty to exert itself, and attempt the interpretation of nature in the affirmative, after having constructed and weighed the three tables of preparation, such as we have laid them down, both from the instances there collected, and others occurring elsewhere. Which attempt we are wont to call the liberty of the understanding, or the commencement of interpretation, or the first vintage.

The first Vintage of the Form of Heat.

It must be observed that the form of any thing is inherent (as appears clearly from our premises) in each individual instance in which the thing itself is inherent, or it would not be a form. No contradictory instance, therefore, can be alleged. The form, however, is found to be much more conspicuous and evident in some instances than in others; in those, for example, where its nature is less restrained and embarrassed, and reduced to rule by other natures. Such instances we are wont to term coruscations, or conspicuous instances. We must proceed then to the first vintage of the form of heat.

From the instances taken collectively, as well

* This is erroneous: all metals expand considerably when heated.

as singly, the nature whose limit is heat appears to be *motion*. This is chiefly exhibited in flame, which is in constant motion, and in warm or boiling liquids, which are likewise in constant motion. It is also shown in the excitement or increase of heat by motion, as by bellows and draughts: for which see Inst. 29, Tab. 3, and by other species of motion, as in Inst. 28 and 31, Tab. 3. It is also shown by the extinction of fire and heat upon any strong pressure, which restrains and puts a stop to motion; for which see Inst. 30 and 32, Tab. 3. It is further shown by this circumstance, namely, that every substance is destroyed, or at least materially changed, by strong and powerful fire and heat: whence it is clear that tumult and confusion are occasioned by heat, together with a violent motion in the internal parts of bodies, and this gradually tends to their dissolution.

What we have said with regard to motion must be thus understood, when taken as the genus of heat: it must not be thought that heat generates motion, or motion heat, (though in some respects this be true,) but that the very essence of heat, or the *substantial self** of heat, is motion and nothing else, limited, however, by certain differences which we will presently add, after giving some cautions for avoiding ambiguity.

Sensible heat is relative, and regards man, not the universe; and is rightly held to be merely the effect of heat on animal spirit. It is even variable in itself, since the same body (in different states of sensations) excites the feeling of heat and of cold; this is shown by Inst. 41, Tab. 3.

Nor should we confound the communication of heat or its transitive nature, by which a body grows warm at the approach of a heated body, with the form of heat. For *heat* is one thing, and *heating* another. Heat can be excited by friction without any previous heating body, and, therefore, *heating* is excluded from the form of heat. Even when heat is excited by the approach of a hot body, this depends not on the form of heat, but on another more profound and common nature; namely, that of assimilation and multiplication, about which a separate inquiry must be made.

The notion of fire is vulgar, and of no assistance; it is merely compounded of the conjunction of heat and light in any body, as in ordinary flame and red-hot substances.

Laying aside all ambiguity, therefore, we must lastly consider the true differences which limit motion and render it the form of heat.

I. The first difference is, that heat is an expansive motion, by which the body strives to dilate itself, and to occupy a greater space than before. This difference is principally seen in flame, where the smoke or thick vapour is clearly dilated and bursts into flame.

* "Quid ipsum," the τὸ τί ἦν εἶναι of Aristotle.

It is also shown in all boiling liquids, which swell, rise, and boil up to the sight, and the process of expansion is urged forward till they are converted into a much more extended and dilated body than the liquid itself, such as steam, smoke, or air.

It is also shown in wood, and combustibles where exudation sometimes takes place, and evaporation always.

It is also shown in the melting of metals, which, being very compact, do not easily swell and dilate, but yet their spirit, when dilated and desirous of further expansion, forces and urges its thicker parts into dissolution, and if the heat be pushed still farther, reduces a considerable part of them into a volatile state.

It is also shown in iron or stones, which, though not melted or dissolved, are, however, softened. The same circumstance takes place in sticks of wood, which become flexible when a little heated in warm ashes.

It is most readily observed in air, which instantly and manifestly expands with a small degree of heat, as in Inst. 38, Tab. 3.

It is also shown in the contrary nature of cold. For cold contracts and narrows every substance; so that, in intense frosts, nails fall out of the wall, and brass cracks, and heated glass, exposed suddenly to the cold, cracks and breaks. So the air by a slight degree of cold contracts itself, as in Inst. 38, Tab. 3. More will be said of this in the inquiry into cold.

Nor is it to be wondered at if cold and heat exhibit many common effects, (for which see Inst. 32, Tab. 2,) since two differences, of which we shall presently speak, belong to each nature: although in the present difference the effects be diametrically opposed to each other. For heat occasions an expansive and dilating motion, but cold a contracting and condensing motion.

II. The second difference is a modification of the preceding, namely, that heat is an expansive motion, tending towards the exterior, but at the same time bearing the body upwards. For there is no doubt that there be many compound motions; as an arrow or dart, for instance, has both a rotatory and progressive motion. In the same way the motion of heat is both expansive and tending upwards.

This difference is shown by putting the tongs or poker into the fire. If placed perpendicularly with the hand above, they soon burn it, but much less speedily if the hand hold them sloping or from below.

It is also conspicuous in distillations *per descensum*, which men are wont to employ with delicate flowers, whose scent easily evaporates. Their industry has devised placing the fire above instead of below, that it may scorch less. For not only flame but all heat has an upward tendency.

Let an experiment be made on the contrary

nature of cold; whether its contraction be downwards, as the expansion of heat is upwards. Take, therefore, two iron rods or two glass tubes, alike in other respects, and warm them a little, and place a sponge, dipped in cold water, or some snow below the one and above the other. We are of opinion that the extremities will grow cold in that rod first where it is placed beneath; as the contrary takes place with regard to heat.

III. The third difference is this. That heat is not a uniform expansive motion of the whole, but of the small particles of the body; and this motion being at the same time restrained, repulsed, and reflected, becomes alternating, perpetually hurrying, striving, struggling, and irritated by the repercussion; which is the source of the violence of flame and heat.

But this difference is chiefly shown in flame and boiling liquids, which always hurry, swell, and subside again in detached parts.

It is also shown in bodies of such hard texture as not to swell or dilate in bulk, such as red-hot iron, in which the heat is most violent.

It is also shown by the fires burning most briskly in the coldest weather.

It is also shown by this; that when the air is dilated in the thermometer uniformly and equably, without any impediment or repulsion, the heat is not perceptible. In confined draughts also, although they break out very violently, no remarkable heat is perceived, because the motion affects the whole, without any alternating motion in the particles. For which reason try whether flame do not burn more at the sides than in its centre.

It is also shown in this, that all burning proceeds by the minute pores of bodies, undermining, penetrating, piercing, and pricking them as if with an infinite number of needlepoints. Hence all strong acids (if adapted to the body on which they act) exhibit the effects of fire from their corroding and pungent nature.

The difference of which we now speak is common also to the nature of cold, in which the contracting motion is restrained by the resistance of expansion, as in heat the expansive motion is restrained by the resistance of contraction.

Whether, therefore, the particles of matter penetrate inwards or outwards, the reasoning is the same, though the power be very different, because we have nothing on earth which is intensely cold.

IV. The fourth difference is a modification of the preceding; namely, that this stimulating or penetrating motion should be rapid and never sluggish, and should take place not in the very minutest particles, but rather in those of some tolerable dimensions.

It is shown by comparing the effects of fire with those of time. Time dries, consumes, undermines, and reduces to ashes as well as fire, and, perhaps, to a much finer degree, but as its motion is very slow, and attacks very minute particles, no heat is perceived.

It is also shown in a comparison of the dissolution of iron and gold. For gold is dissolved without the excitement of any heat, but iron with a vehement excitement of it, although almost in the same time: because, in the former, the penetration of the separating acid is mild, and gently insinuates itself, and the particles of gold yield easily, but the penetration of iron is violent, and attended with some struggle, and its particles are more obstinate.

It is partially shown also in some gangrenes and mortifications of flesh, which do not excite great heat or pain from the gentle nature of the putrefaction.

Let this suffice for a first vintage, or the commencement of the interpretation of the form of heat by the liberty of the understanding.

From this first vintage, the form or true definition of heat (considered relatively to the universe and not to the sense) is briefly thus. "Heat is an expansive motion, restrained and striving to exert itself in the smaller particles." The expansion is modified by "its tendency to rise though expanding towards the exterior;" and the effort is modified by its not being sluggish, but active and somewhat violent.

With regard to the operative definition, the matter is the same. "If you are able to excite a dilating or expansive motion in any natural body, and so to repress that motion and force it on itself as not to allow the expansion to proceed equally, but only to be partially exerted, and partially repressed, you will, beyond all doubt, produce heat;" without any consideration as to whether the body be of earth (or elementary, as they term it) or imbued with celestial influence, luminous or opaque, rare or dense, locally expanded or contained within the bounds of its first dimensions, verging to dissolution or remaining fixed, animal, vegetable, or mineral, water, or oil, or air, or any other substance whatever susceptible of such motion. Sensible heat is the same, but considered relatively to the senses. Let us now proceed to further helps.

21. After our tables of first review, our rejection or exclusive table and the first vintage derived from them, we must advance to the remaining helps of the understanding with regard to the interpretation of nature, and a true and perfect induction; in offering which we will take the examples of cold and heat where tables are necessary, but where fewer instances are required we will go through a variety of others; so as neither to confound investigation nor to narrow our doctrine.

In the first place, therefore, we will treat of prerogative instances; 2. Of the supports of induction; 3. Of the correction of induction; 4. Of varying the investigation according to the nature

of the subject; 5. Of the prerogative natures with respect to investigation, or of what should be the first or last objects of our research; 6. Of the limits of investigation, or a synopsis of all natures that exist in the universe; 7. Of the application to practical purposes, or of what relates to man; 8. Of the preparations for investigation; 9. And, lastly, of the ascending and descending scale of axioms.

22. Amongst the prerogative instances we will first mention *solitary* instances. Solitary instances are those which exhibit the required nature in subjects that have nothing in common with any other subject than the nature in question; or which do not exhibit the required nature in subjects resembling others in every respect except that of the nature in question. For these instances manifestly remove prolixity, and accelerate and confirm exclusion, so that a few of them are of as much avail as many.

For instance: let the inquiry be the nature of colour: Prisms, crystalline gems, which yield colours not only internally but on the wall, dews, &c., are solitary instances. For they have nothing in common with the fixed colours in flowers and coloured gems, metals, woods, &c., except the colour itself. Hence we easily deduce that colour is nothing but a modification of the image of the incident and absorbed light, occasioned in the former case by the different degrees of incidence, in the latter by the various textures and forms of bodies.* These are solitary instances as regards *similitude.*

Again, in the same inquiry, the distinct veins of white and black in marble, and the variegated colours of flowers of the same species, are solitary instances: for the black and white of marble, and the spots of white and purple in the flowers of the stock, agree in every respect but that of colour. Thence we easily deduce that colour has not much to do with the intrinsic natures of any body, but depends only on the coarser, and, as it were, mechanical arrangement of the parts. These are solitary instances as regards *difference.* We call them both solitary or wild, to borrow a word from the astronomers.

23. In the second rank of prerogative instances we will consider *Migrating* instances. In these, the required nature passes towards generation, having no previous existence, or towards corruption, having first existed. In each of these divisions, therefore, the instances are always twofold, or rather, it is one instance, first in motion or on its passage, and then brought to the opposite conclusion. These instances not only hasten and confirm exclusion, but also reduce affirmation, or the form itself, to a narrow compass. For, the form must be something conferred by this migration, or, on the contrary, removed and destroyed by it. And, although all exclusion advances affirmation, yet this takes place more directly in the same than in different subjects. But, if the form (as it is quite clear, from what has been advanced) exhibit itself in one subject, it leads to all. The more simple the migration is, the more valuable is the instance. These migrating instances are, moreover, very useful in practice, for, since they manifest the form, coupled with that which causes or destroys it, they point out the right practice in some subjects, and thence there is an easy transition to those with which they are most allied. There is, however, a degree of danger which demands caution, namely, lest they should refer the form too much to its efficient cause, and imbue, or, at least, tinge the understanding with a false notion of the form from the appearance of such cause; which is never more than a vehicle or conveyance of the form. This may easily be remedied by a proper application of exclusion.

Let us then give an example of a migrating instance. Let whiteness be the required nature. An instance which passes towards generation, is glass in its entire, and in its powdered state; or water in its natural state, and when agitated to froth. For glass, when entire, and water, in its natural state, are transparent and not white, but powdered glass and the froth of water are white, and not transparent. We must inquire, therefore, what has happened to the glass or water in the course of this migration. For, it is manifest that the form of whiteness is conveyed and introduced by the bruising of the glass and the agitation of the water. But nothing is found to have been introduced but a diminishing of the parts of the glass and water, and the insertion of air. Yet this is no slight progress towards discovering the form of whiteness, namely, that two bodies, in themselves more or less transparent, (as air and water, or air and glass,) when brought into contact in minute portions, exhibit whiteness, from the unequal refraction of the rays of light.

But here we must also give an example of the danger and caution of which we spoke. For instance; it will readily occur to an understanding perverted by efficients, that air is always necessary for producing the form of whiteness, or that whiteness is only generated by transparent bodies, which suppositions are both false, and proved to be so by many exclusions. Nay, it will rather appear, (without any particular regard to air or the like,) that all bodies which are even in such of their parts as affect the sight, exhibit transparency, those which are uneven and of simple texture, whiteness, those which are uneven and of compound but regular texture, all the other colours except black, but those which are uneven and of a compound, irregular, and confused texture, exhibit blackness. An example has been given, therefore, of an instance migrating towards generation in the required nature of whiteness. An instance

* This very nearly approaches to Sir I. Newton's discovery of the decomposition of light by the prism.

migrating towards corruption in the same nature, is that of dissolving froth, or snow, for they lose their whiteness, and assume the transparency of water in its pure state without air.

Nor should we by any means omit to state, that under migrating instances we must comprehend not only those which pass towards generation and destruction, but also those which pass towards increase or decrease, for they too assist in the discovery of the form, as is clear from our definition of a form, and the table of degrees. Hence, paper, which is white when dry, is less white when moistened, (from the exclusion of air and admission of water,) and tends more to transparency. The reason is the same as in the above instances.

24. In the third rank of prerogative instances, we will class *conspicuous* instances, of which we spoke in our first vintage of the form of heat, and which we are also wont to call coruscations, or free and predominant instances. They are such as show the required nature in its bare substantial shape, and at its height, or greatest degree of power, emancipated and free from all impediments, or, at least, overcoming, suppressing, and restraining them by the strength of its qualities. For, since every body is susceptible of many united forms of natures in the concrete, the consequence is, that they mutually deaden, depress, break, and confine each other, and the individual forms are obscured. But there are some subjects in which the required nature exists in its full vigour rather than in others, either from the absence of any impediment or the predominance of its quality. Such instances are eminently conspicuous. But, even in these, care must be taken, and the hastiness of the understanding checked, for, whatever makes a show of the form, and forces it forward, is to be suspected, and recourse must be had to severe and diligent exclusion.

For example; let heat be the required nature. The thermometer is a conspicuous instance of the expansive motion, which (as has been observed) constitutes the chief part of the form of heat. For, although flame clearly exhibit expansion, yet, from its being extinguished every moment, it does not exhibit the progress of expansion. Boiling water, again, from its rapid conversion into vapour, does not so well exhibit the expansion of water in its own shape: whilst red-hot iron, and the like, are so far from showing this progress, that, on the contrary, the expansion itself is scarcely evident to the senses, on account of its spirit being repressed and weakened by the compact and coarse articles which subdue and restrain it. But the thermometer strikingly exhibits the expansion of the air, as being evident and progressive, durable, and not transitory.

Take another example. Let the required nature be weight. Quicksilver is a conspicuous instance of weight; for it is far heavier than any other substance except gold, which is not much heavier; and it is a better instance than gold for the purpose of indicating the form of weight. For gold is solid and consistent, which qualities must be referred to density, but quicksilver is liquid, and teeming with spirit, yet much heavier than the diamond and other substances considered to be most solid. Whence it is shown that the form of gravity or weight predominates only in the quantity of matter, and not in the close fitting of it.

25. In the fourth rank of prerogative instances we will class *clandestine* instances; which we are also wont to call twilight instances. They are, as it were, opposed to the conspicuous instances; for they show the required nature in its lowest state of efficacy, and, as it were, its cradle and first rudiments, making an effort, and a sort of first attempt, but concealed and subdued by a contrary nature. Such instances are, however, of great importance in discovering forms, for, as the conspicuous tend easily to differences, so do the clandestine best lead to genera; that is, to those common natures of which the required natures are only the limits.

As an example: let consistency, or that which confines itself, be the required nature, the opposite of which is a liquid or flowing state. The clandestine instances are such as exhibit some weak and low degree of consistency in fluids, as a water bubble, which is a sort of consistent and bounded pellicle, formed out of the substance of the water. So eaves' droppings, if there be enough water to follow them, draw themselves out into a thin thread, not to break the continuity of the water, but if there be not enough to follow, the water forms itself into a round drop, which is the best form to prevent a breach of continuity: and at the moment the thread ceases, and the water begins to fall in drops, the thread of water recoils upwards to avoid such a breach. Nay, in metals, which, when melted, are liquid, but more tenacious, the melted drops often recoil and are suspended. There is something similar in the instance of the child's looking-glass, which little boys will sometimes form of spittle between rushes, and where the same pellicle of water is observable: and still more in that other amusement of children, when they take some water rendered a little more tenacious by soap, and inflate it with a pipe, forming the water into a sort of castle of bubbles, which assumes such consistency by the interposition of the air, as to admit of being thrown some little distance without bursting. The best example is that of froth and snow, which assume such consistency as almost to admit of being cut, although composed of air and water, both liquids. All these circumstances clearly show that the terms liquid and consistent are merely vulgar notions adapted to the sense, and that in reality all bodies have a tendency to avoid a breach of continuity, faint

and weak in bodies composed of homogeneous parts, (as is the case with liquids,) but more vivid and powerful in those of heterogeneous parts: because the approach of heterogeneous matter binds bodies together, whilst the insinuation of homogeneous matter loosens and relaxes them.

Again, to take another example: let the required nature be attraction or the cohesion of bodies. The most remarkable conspicuous instance, with regard to its form, is the magnet. The contrary nature to attraction is non-attraction, though in a similar substance. Thus, iron does not attract iron, lead lead, wood wood, nor water water. But the clandestine instance is that of the magnet armed with iron, or rather that of iron in the magnet so armed. For its nature is such, that the magnet when armed does not attract iron more powerfully at any given distance, than when unarmed; but if the iron be brought in contact with the armed magnet, the latter will sustain a much greater weight than the simple magnet, from the resemblance of substance in the two portions of iron, a quality altogether clandestine and hidden in the iron, until the magnet was introduced. It is manifest, therefore, that the form of cohesion is something which is vivid and robust in the magnet, and hidden and weak in the iron. It is to be observed, also, that small wooden arrows without an iron point, when discharged from large mortars, penetrate further into wooden substances (such as the ribs of ships or the like) than the same arrows pointed with iron;* owing to the similarity of substance, though this quality was previously latent in the wood. Again, although in the mass air does not appear to attract air, nor water water, yet, when one bubble is brought near another, they are both more readily dissolved, from the tendency to contact of the water with the water, and the air with the air.† These clandestine instances (which are, as has been observed, of the most important service) are principally to be observed in small portions of bodies, for the larger masses observe more universal and general forms, as will be mentioned in its proper place.

26. In the fifth rank of prerogative instances we will class *constitutive* instances, which we are wont also to call collective instances. They constitute a species or lesser form, as it were, of the required nature. For since the real forms (which are always convertible with the given nature) lie at some depth, and are not easily discovered, the necessity of the case and the infirmity of the human understanding require that the particular forms, which collect certain groups of instances (but by no means all) into some common notion, should not be neglected, but most diligently observed. For whatever unites nature, even imperfectly, opens the way to the discovery of the form. The instances, therefore, which are serviceable in this respect, are of no mean power, but endowed with some degree of prerogative.

Here, nevertheless, great care must be taken, that after the discovery of several of these particular forms, and the establishing of certain partitions or divisions of the required nature derived from them, the human understanding do not at once rest satisfied, without preparing for the investigation of the great or leading form, and, taking it for granted that nature is compound and divided from its very root, despise and reject any farther union as a point of superfluous refinement, and tending to mere abstraction.

For instance, let the required nature be memory, or that which excites and assists memory. The constitutive instances are order or distribution, which manifestly assists memory; topics or commonplaces in artificial memory, which may be either places in their literal sense, as a gate, a corner, a window, and the like, or familiar persons and marks, or any thing else, (provided it be arranged in a determinate order,) as animals, plants, and words, letters, characters, historical persons, and the like; of which, however, some are more convenient than others. All these commonplaces materially assist memory, and raise it far above its natural strength. Verse, too, is recollected and learned more easily than prose. From this group of three instances, order, the commonplaces of artificial memory, and verses, is constituted one species of aid for the memory, which may be well termed a separation from infinity. For when a man strives to recollect or recall any thing to memory, without a preconceived notion or perception of the object of his search, he inquires about, and labours, and turns from point to point, as if involved in infinity. But if he have any preconceived notion, this infinity is separated off, and the range of his memory is brought within closer limits. In the three instances given above, the preconceived notion is clear and determined. In the first, it must be something that agrees with order; in the second, an image which has some relation or agreement with the fixed commonplaces; in the third, words which fall into a verse: and thus infinity is divided off. Other instances will offer another species, namely, that whatever brings the intellect into contact with something that strikes the sense, (the principal point of artificial memory,) assists the memory. Others again offer another species, namely, whatever excites an impression by any powerful pas-

* Query?

† The real cause of this phenomena is the attraction of the surface of the water in the vessel by the sides of the bubbles. When the bubbles approach, the sides nearest each other both tend to raise the small space of water between them, and consequently less water is raised by each of the nearer sides than by the exterior part of the bubble, and the greater weight of the water raised on the exterior parts pushes the bubbles together. In the same manner a bubble near the side of a vessel is pushed towards it; the vessel and bubble both drawing the water that is between them. The latter phenomena cannot be explained on Bacon's hypothesis.

sion, as fear, wonder, shame, delight, assists the memory. Other instances will afford another species: thus those impressions remain most fixed in the memory, which are taken from the mind when clear and least occupied by preceding or succeeding notions, such as the things we learn in childhood, or imagine before sleep, and the first time of any circumstance happening. Other instances afford the following species: namely, that a multitude of circumstances or handles assist the memory, such as writing in paragraphs, reading aloud or recitation. Lastly, other instances afford still another species: thus the things we anticipate, and which rouse our attention, are more easily remembered than transient events; as, if you read any work twenty times over, you will not learn it by heart so readily, as if you were to read it but ten times, trying each time to repeat it, and when your memory fails you, looking into the book. There are, therefore, six lesser forms, as it were, of things which assist the memory: namely, 1. The separation of infinity. 2. The connexion of the mind with the senses. 3. The impression in strong passion. 4. The impression on the mind when pure. 5. The multitude of handles. 6. Anticipation.

Again, for example's sake, let the required nature be taste or the power of tasting. The following instances are constitutive: 1. Those who do not smell, but are deprived by nature of that sense, do not perceive or distinguish rancid or putrid food by their taste; nor garlic from roses, and the like. 2. Again, those whose nostrils are obstructed by accident (such as a cold) do not distinguish any putrid or rancid matter from any thing sprinkled with rose-water. 3. If those who suffer from a cold, blow their noses violently at the very moment in which they have any thing fetid or perfumed in their mouth, or on their palate, they instantly have a clear perception of the fetor or perfume. These instances afford and constitute this species or division of taste; namely, that it is in part nothing else than an internal smelling passing and descending through the upper passages of the nostrils to the mouth and palate. But, on the other hand, those whose power of smelling is deficient, or obstructed, perceive what is salt, sweet, pungent, acid, rough, and bitter, and the like, as well as any one else: so that the taste is clearly something compounded of the internal smelling, and an exquisite species of touch, which we will not here discuss.

Again, as another example, let the required nature be the communication of quality, without intermixture of substance. The instance of light will afford or constitute one species of communication, heat and the magnet another. For the communication of light is momentary and immediately arrested upon the removal of the original light. But heat and the magnetic force, when once transmitted to, or excited in another body, remain fixed for a considerable time after the removal of the source.

In fine, the prerogative of constitutive instances is considerable, for they materially assist the definitions (especially in details) and the divisions or partitions of natures, concerning which Plato has well said, "He who can properly define and divide is to be considered a god."

27. In the sixth rank of prerogative instances we will place *similar* or *proportionate* instances, which we are also wont to call physical parallels, or resemblances. They are such as exhibit the resemblances and connexions of things, not in minor forms, (as the constitutive do,) but at once in the concrete. They are, therefore, as it were, the first and lowest steps towards the union of nature; nor do they immediately establish any axiom, but merely indicate and observe a certain relation of bodies to each other. But, although they be not of much assistance in discovering forms, yet, they are of great advantage in disclosing the frame of parts of the universe, upon whose members they practise a species of anatomy, and thence occasionally lead us gently on to sublime and noble axioms, especially such as relate to the construction of the world, rather than to simple natures and forms.

As an example; take the following similar instances: a mirror and the eye: the formation of the ear, and places which return an echo. From such similarity, besides observing the resemblance, (which is useful for many purposes,) it is easy to collect and form this axiom: That the organs of the senses, and bodies which produce reflections to the senses, are of a similar nature. Again, the understanding once informed of this, rises easily to a higher and nobler axiom; namely, that the only distinction between sensitive and inanimate bodies, in those points in which they agree and sympathise, is this; in the former, animal spirit is added to the arrangement of the body, in the latter it is wanting. So that there might be as many senses in animals as there are points of agreement with inanimate bodies, if the animated body were perforated, so as to allow the spirit to have access to the limb properly disposed for action, as a fit organ. And, on the other hand, there are, without doubt, as many motions in an inanimate, as there are senses in the animated body, though the animal spirit be absent. There must, however, be many more motions in inanimate bodies than senses in the animated, from the small number of organs of sense. A very plain example of this is afforded by pains. For, as animals are liable to many kinds and various descriptions of pains, (such as those of burning, of intense cold, of pricking, squeezing, stretching, and the like,) so is it most certain, that the same circumstances, as far as motion is concerned, happen to inanimate bodies, such as wood or stone, when burned, frozen, pricked, cut, bent,

bruised, and the like; although there be no sensation, owing to the absence of animal spirit. Again, wonderful as it may appear, the roots and branches of trees are similar instances. For every vegetable swells and throws out its constituent parts towards the circumference, both upwards and downwards. And there is no difference between the roots and branches, except that the root is buried in the earth, and the branches are exposed to the air and sun. For if one take a young and vigorous shoot, and bend it down to a small portion of loose earth, although it be not fixed to the ground, yet will it immediately produce a root, and not a branch. And, vice versâ, if earth be placed above, and so forced down with a stone or any hard substance, as to confine the plant and prevent its branching upwards, it will throw out branches into the air downwards. The gums of trees and most rock gems are similar instances; for both of them are exudations, and filtered juices, derived in the former instance from trees, in the latter from stones; the brightness and clearness of both arising from a delicate and accurate filtering. For nearly the same reason, the hair of animals is less beautiful and vivid in its colour, than the plumage of most birds, because the juices are less delicately filtered through the skin than through the quills.

The scrotum of males, and matrix of females, are also similar instances: so that the noble formation which constitutes the difference of the sexes, appears to differ only as to the one being internal and the other external; a greater degree of heat causing the genitals to protrude in the male, whilst the heat of the female being too weak to effect this, they are retained internally.

The fins of fishes, and the feet of quadrupeds, or the feet and wings of birds, are similar instances; to which Aristotle adds the four folds in the motion of serpents;* so that, in the formation of the universe, the motion of animals appears to be chiefly effected by four joints or bendings.

The teeth of land animals, and the beaks of birds, are similar instances, whence it is clear, that in all perfect animals there is a determination of some hard substance towards the mouth. Again, the resemblance and conformity of man to an inverted plant is not absurd. For the head is the root of the nerves and animal faculties, and the seminal parts are the lowest, not including the extremities of the legs and arms. But, in the plant, the root (which resembles the head) is regularly placed in the lowest, and the seeds in the highest part.

Lastly, we must particularly recommend and suggest, that man's present industry in the investigation and compilation of natural history be entirely changed, and directed to the reverse of the present system. For, it has hitherto been active and curious in noting the variety of things and explaining the accurate differences of animals, vegetables, and minerals, most of which are the mere sport of nature, rather than of any real utility as concerns the sciences. Pursuits of this nature are certainly agreeable, and sometimes of practical advantage, but contribute little or nothing to the thorough investigation of nature. Our labour must, therefore, be directed towards inquiring into, and observing resemblances and analogies, both in the whole, and its parts, for, they unite nature, and lay the foundation of the sciences.

Here, however, a severe and rigorous caution must be observed, that we only consider as similar and proportionate instances, those which (as we first observed) point out physical resemblances: that is, real and substantial resemblances, deeply founded in nature, and not casual and superficial, much less superstitious or curious; such as those which are constantly put forward by the writers on natural magic, (the most idle of men, and who are scarcely fit to be named in connection with such serious matters as we now treat of,) who, with much vanity and folly, describe, and sometimes, too, invent unmeaning resemblances and sympathies.

But, leaving such to themselves, similar instances are not to be neglected, in the greater portions of the world's conformation; such as Africa and the Peruvian continent, which reaches to the Straits of Magellan; both of which possess a similar isthmus and similar capes, a circumstance not to be attributed to mere accident.

Again; the New and Old World are both of them broad and expanded towards the north, and narrow and pointed towards the south.

Again; we have very remarkable similar instances in the intense cold, towards the middle regions (as it is termed) of the air, and the violent fires which are often found to burst from subterraneous spots, the similarity consisting in both being ends and extremes; the extreme of the nature of cold, for instance, is towards the boundary of heaven, and that of the nature of heat towards the centre of the earth, by a similar species of opposition or rejection of the contrary nature.

Lastly, in the axioms of the sciences there is a similarity of instances worthy of observation. Thus, the rhetorical trope which is called *surprise*, is similar to that of music termed the declining of a cadence.

Again; the mathematical postulate, that "things which are equal to the same are equal to one another," is similar to the form of the syllogism in logic, which unites things agreeing in the middle term. Lastly: a certain degree of sagacity in collecting and searching for physical points of similarity, is very useful in many respects.

* Is not this a very hasty generalization? Do serpents move with four folds only? Observe also the motion of centipedes and other insects.

28. In the seventh rank of prerogative instances we will place singular instances, which we are also wont to call irregular or heteroclite, (to borrow a term from the grammarians.) They are such as exhibit bodies in the concrete, of an apparently extravagant and separate nature, agreeing but little with other things of the same species. For, whilst the similar instances resemble each other, those we now speak of are only like themselves. Their use is much the same with that of clandestine instances; they bring out and unite nature, and discover genera or common natures, which must afterwards be limited by real differences. Nor should we desist from inquiry until the properties and qualities of those things, which may be deemed miracles, as it were, of nature, be reduced to, and comprehended in, some form or certain law; so that all irregularity or singularity may be found to depend on some common form; and the miracle only consists in accurate differences, degree, and rare coincidence, not in the species itself. Man's meditation proceeds no farther at present, than just to consider things of this kind as the secrets and vast efforts of nature, without an assignable cause, and, as it were, exceptions to general rules.

As examples of singular instances, we have the sun and moon amongst the heavenly bodies; the magnet amongst minerals; quicksilver amongst metals; the elephant amongst quadrupeds; the venereal sensation amongst the different kinds of touch; the scent of sporting dogs amongst those of smell. The letter S, too, is considered by the grammarians as sui generis, from its easily uniting with double or triple consonants, which no other letter will. These instances are of great value, because they excite and keep alive inquiry, and correct an understanding depraved by habit, and the common course of things.

29. In the eighth rank of prerogative instances, we will place *deviating* instances; such as the errors of nature, or strange and monstrous objects, in which nature deviates and turns from her ordinary course. For the errors of nature differ from singular instances, inasmuch as the latter are the miracles of species, the former of individuals. Their use is much the same, for they rectify the understanding in opposition to habit, and reveal common forms. For, with regard to these, also, we must not desist from inquiry till we discern the cause of the deviation. The cause does not, however, in such cases, rise to a regular form, but only to the latent process towards such a form. For he who is acquainted with the paths of nature will more readily observe her deviations, and, vice versâ, he who has learnt her deviations, will be able more accurately to describe her paths.

They differ again from singular instances, by being much more apt for practice, and the operative branch. For it would be very difficult to generate new species, but less so to vary known species, and thus produce many rare and unusual results.* The passage from the miracles of nature to those of art is easy; for if nature be once seized in her variations, and the cause be manifest, it will be easy to lead her by art to such deviation as she was at first led to by chance; and not only to that, but others, since deviations on the one side lead and open the way to others in every direction. Of this we do not require any examples, since they are so abundant. For a compilation, or particular natural history, must be made of all monsters and prodigious births of nature; of every thing, in short, which is new, rare, and unusual in nature. This should be done with a rigorous selection, so as to be worthy of credit. Those are most to be suspected which depend upon superstition, as the prodigies of Livy, and those, perhaps, but little less which are found in the works of writers on natural magic, or even alchymy, and the like, for such men, as it were, are the very suitors and lovers of fables; but our instances should be derived from some grave and credible history, and faithful narration.

30. In the ninth rank of prerogative instances, we will place *bordering* instances, which we are also wont to term participants. They are such as exhibit those species of bodies which appear to be composed of two species, or to be the rudiments between the one and the other. They may well be classed with the singular or heteroclite instances; for, in the whole system of things, they are rare and extraordinary. Yet from their dignity they must be treated of and classed separately, for they point out admirably the order and constitution of things, and suggest the causes of the number and quality of the more common species in the universe, leading the understanding from that which is, to that which is possible.

We have examples of them in moss, which is something between putrescence and a plant; in some comets, which hold a place between stars and ignited meteors; in flying fishes, between fishes and birds; and in bats, between birds and quadrupeds.† Again,

"Simia quam similis turpissima bestia nobis."

We have also biformed fetus, mingled species, and the like.

31. In the tenth rank of prerogative instances, we will place the instances of *power*, or the fasces, (to borrow a term from the insignia of empire,) which we are also wont to call the wit or hands of man. These are such works as are most noble and perfect, and, as it were, the masterpieces in every art. For since our principal object is to

* This is well illustrated in plants, for the gardener can produce endless varieties of any known species, but can never produce a new species itself.

† There is, however, no real approximation to birds in either the flying fish or bat, any more than a man approximates to a fish because he can swim. The wings of the flying fish and bat are mere expansions of skin, bearing no resemblance whatever to those of birds.

make nature subservient to the state and wants of man, it becomes us well to note and enumerate the works, which have long since been in the power of man, especially those which are most polished and perfect; because the passage from these, to new and hitherto undiscovered works, is more easy and feasible. For if any one, after an attentive contemplation of such works as are extant, be willing to push forward in his design with alacrity and vigour, he will undoubtedly either advance them, or turn them to something within their immediate reach, or even apply and transfer them to some more noble purpose.

Nor is this all: for as the understanding is elevated and raised by rare and unusual works of nature, to investigate and discover the forms which include them also; so is the same effect frequently produced by the excellent and wonderful works of art: and even to a greater degree, because, the mode of effecting and constructing the miracles of art, is generally plain, whilst that of effecting the miracles of nature is more obscure. Great care, however, must be taken, that they do not depress the understanding, and fix it as it were to earth.

For there is some danger, lest the understanding should be astonished and chained down, and, as it were, bewitched, by such works of art as appear to be the very summit and pinnacle of human industry, so as not to become familiar with them, but rather to suppose, that nothing of the kind can be accomplished, unless the same means be employed, with perhaps a little more diligence, and more accurate preparation.

Now, on the contrary, it may be stated as a fact, that the ways and means hitherto discovered and observed, of effecting any matter or work, are for the most part of little value, and that all really efficient power depends, and is really to be deduced from the sources of forms, none of which have yet been discovered.

Thus, (as we have before observed,) had any one meditated on balistic machines, and battering rams, as they were used by the ancients, whatever application he might have exerted, and though he might have consumed a whole life in the pursuit, yet would he never have hit upon the invention of flaming engines, acting by means of gunpowder: nor would any person, who had made woollen manufactories and cotton the subject of his observation and reflection, have ever discovered thereby the nature of the silk-worm, or of silk.

Hence all the most noble discoveries have (if you observe) come to light, not by any gradual improvement and extension of the arts, but merely by chance; whilst nothing imitates or anticipates chance (which is wont to act at intervals of ages) but the invention of forms.

There is no necessity for adducing any particular examples of these instances, since they are abundant. The plan to be pursued is this; all the mechanical, and even the liberal arts, (as far as they are practical) should be visited and thoroughly examined, and thence there should be formed a compilation or particular history of the great masterpieces, or most finished works in each, as well as of the mode of carrying them into effect.

Nor do we confine the diligence to be used in such a compilation to the leading works and secrets only of every art, and such as excite wonder; for wonder is engendered by rarity, since that which is rare, although it be compounded of ordinary natures, always begets wonder. On the contrary, that which is really wonderful, from some specific difference distinguishing it from other species, is carelessly observed, if it be but familiar. Yet the singular instances of art should be observed no less than those of nature, which we have before spoken of: and, as in the latter we have classed the sun, the moon, the magnet, and the like, all of them most familiar to us, but yet in their nature singular, so should we proceed with the singular instances of art.

For example; paper, a very common substance, is a singular instance of art. For, if you consider the subject attentively, you will find that artificial substances are either woven by straight and transverse lines, as silk, woollen, or linen cloth, and the like; or coagulated from concrete juices, such as brick, earthenware, glass, enamel, porcelain, and the like, which admit of a polish, if they be compact, but, if not, become hard without being polished; all which latter substances are brittle, and are not adherent or tenacious. On the contrary, paper is a tenacious substance, which can be cut and torn, so as to resemble, and almost rival the skin of any animal, or the leaf of vegetables, and the like works of nature; being neither brittle like glass, nor woven like cloth, but having fibres, and not distinct threads, just as natural substances, so that scarcely any thing similar can be found amongst artificial substances, and it is absolutely singular. And in artificial works we should certainly prefer those which approach the nearest to an imitation of nature, or, on the other hand, powerfully govern and change her course. Again, in these instances which we term the wit and hands of man, charms and conjuring should not be altogether despised, for although mere amusements, and of little use, yet they may afford considerable information.

Lastly, superstition and magic (in its common acceptation) are not to be entirely omitted; for, although they be overwhelmed by a mass of lies and fables, yet some investigation should be made, to see if there be really any latent natural operation in them; as in fascination, and the fortifying of the imagination, the sympathy of dis-

tant objects, the transmission of impressions from spirit to spirit, no less than from body to body, and the like.

32. From the foregoing remarks, it is clear that the five last species of instances (the similar, singular, deviating, and bordering instances, and those of power) should not be reserved for the investigation of any given nature, as the preceding and many of the succeeding instances must, but a collection of them should be made at once, in the style of a particular history; so that they may arrange the matter which enters the understanding, and correct its depraved habit, for it is necessarily imbued, corrupted, perverted, and distorted by daily and habitual impressions.

They are to be used, therefore, as a preparative, for the purpose of rectifying and purifying the understanding, for, whatever withdraws it from habit, levels and planes down its surface for the reception of the dry and pure light of true notions. These instances, moreover, level and prepare the way for the operative branch, as we will mention in its proper place, when speaking of the practical deductions.

33. In the eleventh rank of prerogative instances, we will place *accompanying and hostile* instances. These are such as exhibit any body or concrete, where the required nature is constantly found, as an inseparable companion, or, on the contrary, where the required nature is constantly avoided and excluded from attendance, as an enemy. From these instances may be formed certain and universal propositions, either affirmative or negative; the subject of which will be the concrete body, and the predicate the required nature. For particular propositions are by no means fixed, when the required nature is found to fluctuate and change in the concrete, either approaching and acquired, or receding and laid aside. Hence, particular propositions have no great prerogative, except in the case of migration, of which we have spoken above. Yet such particular propositions are of great use, when compared with the universal, as will be mentioned in its proper place. Nor do we require absolute affirmation or negation, even in universal propositions, for, if the exceptions be singular or rare, it is sufficient for our purpose.

The use of accompanying instances is to narrow the affirmative of form. For, as it is narrowed by the migrating instances, where the form must necessarily be something communicated or destroyed by the act of migration, so it is narrowed by accompanying instances, where the form must necessarily be something which enters into the concretion of the body, or, on the contrary, is repugnant to it, and one who is well acquainted with the constitution or formation of the body, will not be far from bringing to light the form of the required nature.

For example: let the required nature be heat. Flame is an accompanying instance. For, in water, air, stone, metal, and many other substances, heat is variable, and can approach or retire, but all flame is hot, so that heat always accompanies the concretion of flame. We have no hostile instance of heat. For the senses are unacquainted with the interior of the earth, and there is no concretion of any known body which is not susceptible of heat.

Again, let solidity be the required nature. Air is a hostile instance. For metals may be liquid or solid, so may glass; even water may become solid by congelation, but air cannot become solid or lose its fluidity.

With regard to these instances of fixed propositions, there are two points to be observed, which are of importance. First, that if there be no universal affirmative or negative, it be carefully noted as not existing. Thus, in heat, we have observed that there exists no universal negative, in such substances at least as have come to our knowledge. Again, if the required nature be eternity or incorruptibility, we have no universal affirmative within our sphere, for these qualities cannot be predicated of any bodies below the heavens, or above the interior of the earth. Secondly, To our general propositions as to any concrete, whether affirmative or negative, we should subjoin the concretes which appear to approach nearest to the non-existing substances; such as the most gentle or least burning flames in heat, or gold in incorruptibility, since it approaches nearest to it. For they all serve to show the limit of existence and non-existence, and circumscribe forms, so that they cannot wander beyond the conditions of matter.

34. In the twelfth rank of prerogative instances, we will class those *subjunctive* instances, of which we spoke in the last aphorism, and which we are also wont to call instances of extremity or limits; for they are not only serviceable when subjoined to fixed propositions, but also of themselves and from their own nature. They indicate with sufficient precision the real divisions of nature, and measures of things, and the "how far" nature effects or allows of any thing, and her passage thence to something else. Such are gold in weight, iron in hardness, the whale in the size of animals, the dog in smell, the flame of gunpowder in rapid expansion, and others of the like nature. Nor are we to pass over the extremes in defect as well as in abundance, as spirits of wine in weight, the touchstone in softness, the worms upon the skin in the size of animals, and the like.

35. In the thirteenth rank of prerogative instances, we will place those of *alliance* or union. They are such as mingle and unite natures held to be heterogeneous, and observed and marked as such in received classifications.

These instances show that the operation and

effect, which is considered peculiar to some one of such heterogeneous natures, may also be attributed to another nature styled heterogeneous; so as to prove that the difference of the natures is not real nor essential, but a mere modification of a common nature. They are very serviceable, therefore, in elevating and carrying on the mind from differences to genera, and in removing those phantoms and images of things, which meet it in disguise in concrete substances.

For example; let the required nature be heat. The classification of heat into three kinds, that of the celestial bodies, that of animals, and that of fire, appears to be settled and admitted; and these kinds of heat, especially one of them compared with the other two, are supposed to be different, and clearly heterogeneous in their essence and species, or specific nature; since the heat of the heavenly bodies and of animals generates and cherishes, whilst that of fire corrupts and destroys. We have an instance of alliance then in a very common experiment, that of a vine branch admitted into a building where there is a constant fire, by which the grapes ripen a whole month sooner than in the air; so that fruit upon the tree can be ripened by fire, although this appear the peculiar effect of the sun. From this beginning, therefore, the understanding rejects all essential difference, and easily ascends to the investigation of the real differences between the heat of the sun and that of fire, by which their operation is rendered dissimilar, although they partake of a common nature.

These differences will be found to be four in number. The heat of the sun is much milder and gentler in degree than that of fire. 2. It is much more moist in quality, especially as it is transmitted to us through the air. 3. Which is the chief point, it is very unequal, advancing and increased at one time, retiring and diminished at another; which mainly contributes to the generation of bodies. For Aristotle rightly asserted, that the principal cause of generation and corruption on the surface of the earth, was the oblique path of the sun in the zodiac, whence its heat becomes very unequal, partly from the alternation of night and day, partly from the succession of summer and winter. Yet must he immediately corrupt and prevent his discovery, by dictating to nature according to his habit, and dogmatically assigning the cause of generation to the approach of the sun and that of corruption to its retreat; whilst in fact each circumstance indifferently and not respectively contributes both to generation and corruption; for unequal heat tends to generate and corrupt, as equable heat does to preserve. 4. The fourth difference between the heat of the sun and fire is of great consequence; namely, that the sun, gradually, and for a length of time, insinuates its effects, whilst those of fire (urged by the impatience of man) are brought to a termination in a shorter space of time. But if any one were to pay attention to the tempering of fire, and reducing it to a more moderate and gentle degree, (which may be done in various ways,) and then were to sprinkle and mix a degree of humidity with it, and above all were to imitate the sun in its inequality, and lastly were patiently to suffer some delay, (not such, however, as is proportioned to the effects of the sun, but more than men usually admit of in those of fire,) he would soon banish the notion of any difference, and would attempt, or equal, or perhaps sometimes surpass the effect of the sun, by the heat of fire. A like instance of alliance is that of reviving butterflies, benumbed and nearly dead from cold, by the gentle warmth of fire, so that fire is no less able to revive animals than to ripen vegetables. We may also mention the celebrated invention of Fracastorius, of applying a pan considerably heated to the head in desperate cases of apoplexy, which clearly expands the animal spirits, when compressed and almost extinguished by the humours and obstructions of the brain, and excites them to action, as the fire would operate on water or air, and in the result produces life. Eggs are sometimes hatched by the heat of fire, an exact imitation of animal heat; and there are many instances of the like nature, so that no one can doubt that the heat of fire, in many cases, can be modified till it resemble that of the heavenly bodies and of animals.

Again, let the required natures be motion and rest. There appears to be a settled classification, grounded on the deepest philosophy, that natural bodies either revolve, move in a straight line, or stand still and rest. For there is either motion without limit, or continuance within a certain limit, or a translation towards a certain limit. The eternal motion of revolution appears peculiar to the heavenly bodies, rest to this our globe, and the other bodies (heavy and light, as they are termed, that is to say, placed out of their natural position) are borne in a straight line to masses or aggregates which resemble them, the light towards the heaven, the heavy towards the earth: and all this is very fine language.

But we have an instance of alliance in low comets, which revolve, though far below the heavens; and the fiction of Aristotle, of the comet being fixed to or necessarily following some star, has been long since exploded; not only because it is improbable in itself, but from the evident fact of the discursive and irregular motion of comets, through various parts of the heavens.

Another instance of alliance is that of the motion of air, which appears to revolve from east to west within the tropics, where the circles of revolution are the greatest.

The flow and ebb of the sea would perhaps be another instance, if the water were once found to

nave a motion of revolution, though slow and hardly perceptible, from east to west, subject, however, to a reaction twice a day. If this be so, it is clear that the motion of revolution is not confined to the celestial bodies, but is shared also by air and water.

Again; the supposed peculiar disposition of light bodies to rise, is rather shaken; and here we may find an instance of alliance in a water bubble. For if air be placed under water, it rises rapidly towards the surface, by that striking motion (as Democritus terms it) with which the descending water strikes the air, and raises it; not by any struggle or effort of the air itself: and when it has reached the surface of the water, it is prevented from ascending any further, by the slight resistance it meets with in the water, which does not allow an immediate separation of its parts, so that the tendency of the air to rise must be very slight.

Again; let the required nature be weight. It is certainly a received classification, that dense and solid bodies are borne towards the centre of the earth, and rare and light bodies to the circumference of the heavens, as their appropriate places. As far as relates to places, (though these things have much weight in the schools,) the notion of there being any determinate place is absurd and puerile. Philosophers trifle, therefore, when they tell you that if the earth were perforated, heavy bodies would stop on their arrival at the centre. This centre would indeed be an efficacious nothing or mathematical point, could it affect bodies or be sought by them, for a body is not acted upon except by a body.* In fact, this tendency to ascend and descend, is either in the conformation of the moving body, or in its harmony and sympathy with another body. But if any dense and solid body be found, which does not however, tend towards the earth, the classification is at an end. Now, if we allow of Gilbert's opinion, that the magnetic power of the earth, in attracting heavy bodies, is not extended beyond the limit of its peculiar virtue, (which operates always at a fixed distance and no further,)† and this be proved by some instance, such an instance will be one of alliance in our present subject. The nearest approach to it is that of waterspouts, frequently seen by persons navigating the Atlantic towards either of the Indies. For the force and mass of the water suddenly effused by waterspouts, appears to be so considerable, that the water must have been collected previously, and have remained fixed where it was formed, until it was afterwards forced down by some violent cause, rather than made to fall by the natural motion of gravity: so that it may be conjectured, that a dense and compact mass, at a great distance from the earth, may be suspended as the earth itself is, and would not fall unless forced down. We do not, however, affirm this as certain. In the mean while, both in this respect and many others, it will readily be seen how deficient we are in natural history, since we are forced to have recourse to suppositions for examples, instead of ascertained instances.

Again; let the required nature be the discursive power of the mind. The classification of human reason, and animal instinct, appears to be perfectly correct. Yet there are some instances of the actions of brutes, which seem to show that they too can syllogize. Thus it is related, that a crow, which had nearly perished from thirst in a great drought, saw some water in the hollow trunk of a tree, but as it was too narrow for him to get into it, he continued to throw in pebbles, which made the water rise till he could drink, and it afterwards became a proverb.

Again; let the required nature be vision. The classification appears real and certain, which considers light as that which is originally visible, and confers the power of seeing; and colour as being secondarily visible, and not capable of being seen without light, so as to appear a mere image or modification of light. Yet there are instances of alliance in each respect; as in snow when in great quantities, and in the flame of sulphur; the one being a colour originally and in itself light, the other a light verging towards a colour.*

36. In the fourteenth rank of prerogative instances, we will place the instances *of the cross*, borrowing our metaphor from the crosses erected where two roads meet, to point out the different directions. We are wont also to call them decisive and judicial instances, and in some cases instances of the oracle, and of command. Their nature is as follows. When in investigating any nature the understanding is, as it were, balanced, and uncertain to which of two or more natures the cause of the required nature should be assigned, on account of the frequent and usual concurrence of several natures; the instances of the cross show that the union of one nature with the required nature is firm and indissoluble, whilst that of the other is unsteady and separable; by which means the question is decided, and the first is received as the cause, whilst the other is dismissed and rejected. Such instances therefore afford great light, and are of great weight, so that the course of interpretation sometimes terminates and is completed in them. Sometimes, however, they are found amongst the instances already observed, but they are generally new, being ex-

* But see Bacon's own corollary at the end of the instances of divorce, Aphorism 37.

† Since Newton's discovery of the law of gravitation, we find that the attractive force of the earth must extend to an infinite distance. Bacon himself alludes to the operation of this attractive force at great distances, in the instances of the rod. Aphorism 45.

* Snow reflects light, but is not a source of light.

pressly and purposely sought for and applied, and brought to light only by attentive and active diligence.

For example; let the required nature be the flow and ebb of the sea, which is repeated twice a day, at intervals of six hours between each advance and retreat, with some little difference, agreeing with the motion of the moon. We have here the following cross-ways.

This motion must be occasioned either by the advancing and the retiring of the sea, like water shaken in a basin, which leaves one side while it washes the other; or by the rising of the sea from the bottom, and its again subsiding like boiling water. But a doubt arises, to which of these causes we should assign the flow and ebb. If the first assertion be admitted, it follows, that when there is a flood on one side, there must at the same time be an ebb on another, and the question, therefore, is reduced to this. Now, Acosta, and some others, after a diligent inquiry, have observed that the flood tide takes place on the coast of Florida and the opposite coasts of Spain and Africa at the same time, as does also the ebb; and that there is not, on the contrary, a flood tide at Florida when there is an ebb on the coasts of Spain and Africa. Yet, if one consider the subject attentively, this does not prove the necessity of a rising motion, nor refute the notion of a progressive motion. For the motion may be progressive, and yet inundate the opposite shores of a channel at the same time; as if the waters be forced and driven together from some other quarter, for instance, which takes place in rivers, for they flow and ebb towards each bank at the same time, yet their motion is clearly progressive, being that of the waters from the sea entering their mouths. So it may happen, that the waters coming in a vast body from the eastern Indian Ocean, are driven together and forced into the channel of the Atlantic, and therefore inundate both coasts at once. We must inquire, therefore, if there be any other channel by which the waters can, at the same time, sink and ebb; and the Southern Ocean at once suggests itself, which is not less than the Atlantic, but rather broader, and more extensive than is requisite for this effect.

We at length arrive, then, at an instance of the cross, which is this. If it be positively discovered, that when the flood sets in towards the opposite coasts of Florida and Spain in the Atlantic, there is at the same time a flood tide on the coasts of Peru, and the back part of China in the Southern Ocean, then assuredly, from this decisive instance, we must reject the assertion that the flood and ebb of the sea, about which we inquire, takes place by progressive motion; for no other sea or place is left where there can be an ebb. But this may most easily be learned, by inquiring of the inhabitants of Panama and Lima, (where the two oceans are separated by a narrow isthmus,) whether the flood and ebb takes place on the opposite sides of the isthmus at the same time, or the reverse. This decision or rejection appears certain, if it be granted that the earth is fixed; but if the earth revolves, it may, perhaps, happen, that from the unequal revolution (as regards velocity) of the earth, and the waters of the sea, there may be a violent forcing of the waters into a mass, forming the flood, and a subsequent relaxation of them, (when they can no longer bear the accumulation,) forming the ebb. A separate inquiry must be made into this. Even with this hypothesis, however, it remains equally true, that there must be an ebb somewhere, at the same time that there is a flood in another quarter.

Again, let the required nature be the latter of the two motions we have supposed, namely, that of a rising and subsiding motion, if it should happen that, upon diligent examination, the progressive motion be rejected. We have, then, three ways before us, with regard to this nature. The motion, by which the waters raise themselves and again fall back, in the floods and ebbs, without the addition of any other water rolled towards them, must take place in one of the three following ways. Either the supply of water emanates from the interior of the earth, and returns back again; or there is really no greater quantity of water, but the same water (without any augmentation of its quantity) is extended or rarefied, so as to occupy a greater space and dimension, and again contracts itself; or there is neither an additional supply nor any extension, but the same waters (with regard to quantity, density, or rarity) raise themselves and fall from sympathy, by some magnetic power attracting and calling them up, as it were, from above. Let us, then, (passing over the two first motions,) reduce the investigation to the last; and inquire if there be any such elevation of the water, by sympathy or a magnetic force. And it is evident, in the first place, that the whole mass of water being placed in the trench or cavity of the sea, cannot be raised at once, because there would not be enough to cover the bottom, so that, if there be any tendency of this kind in the water, to raise itself, yet it would be interrupted and checked by the cohesion of things, or (as the common expression is) that there may be no vacuum. The water, therefore, must rise on one side, and for that reason be diminished, and ebb on another. But it will again necessarily follow, that the magnetic power, not being able to operate on the whole, operates most intensely on the centre, so as to raise the waters there, which, when thus raised successively, desert and abandon the sides.

We at length arrive, then, at an instance of the cross, which is this: if it be found that, during the ebb, the surface of the waters at sea is more curved and round, from the waters rising in the

middle, and sinking at the sides or coast, and if, during the flood, it be more even and level, from the waters returning to their former position, then, assuredly, by this decisive instance, the raising of them by a magnetic force can be admitted, if otherwise, it must be entirely rejected. It is not difficult to make the experiment (by sounding in straits) whether the sea be deeper towards the middle in ebbs than in floods. But it must be observed, if this be the case, that (contrary to common opinion) the waters rise in ebbs, and only return to their former position in floods, so as to bathe and inundate the coast.

Again, let the required nature be the spontaneous motion of revolution, and particularly, whether the diurnal motion, by which the sun and stars appears to us to rise and set, be a real motion of revolution in the heavenly bodies, or only apparent in them, and real in the earth. There may be an instance of the cross of the following nature. If there be discovered any motion in the ocean from east to west, though very languid and weak, and, if the same motion be discovered rather more swift in the air, (particularly within the tropics, where it is more perceptible, from the circles being greater,) if it be discovered, also, in the low comets, and be already quick and powerful in them, if it be found also in the planets, but so tempered and regulated as to be slower in those nearest the earth, and quicker in those at the greatest distance, being quickest of all in the heavens, then the diurnal motion should certainly be considered as real in the heavens, and that of the earth must be rejected, for it will be evident, that the motion from east to west is part of the system of the world, and universal; since it is most rapid in the height of the heavens, and gradually grows weaker, till it stops, and is extinguished in rest at the earth.

Again, let the required nature be that other motion of revolution, so celebrated amongst astronomers, which is contrary to the diurnal, namely, from west to east, and which the ancient astronomers assign to the planets, and even to the starry sphere, but Copernicus and his followers to the earth also, and let it be examined whether any such motion be found in nature, or it be rather a fiction and hypothesis for abridging and facilitating calculation, and for promoting that fine notion of effecting the heavenly motions by perfect circles. For there is nothing which proves such a motion in heavenly objects to be true and real, either in a planet's not returning in its diurnal motion to the same point of the starry sphere, or in the pole of the zodiac being different from that of the world, which two circumstances have occasioned this notion. For the first phenomenon is well accounted for by the spheres overtaking or falling behind each other, and the second by spiral lines, so that the inaccuracy of the return, and declination to the tropics, may be rather modifications of the one diurnal motion, than contrary motions, or about different poles. And, it is most certain, if we consider ourselves for a moment as part of the vulgar, (setting aside the fictions of astronomers and the school, who are wont, undeservedly, to attack the senses in many respects, and to affect obscurity,) that the apparent motion is such as we have said, a model of which we have sometimes caused to be represented by wires in a sort of machine.

We may take the following instances of the cross upon this subject. If it be found in any history, worthy of credit, that there has existed any comet, high or low, which has not revolved in manifest harmony (however irregularly) with the diurnal motion, then we may decide so far as to allow such a motion to be possible in nature. But, if nothing of the sort be found, it must be suspected, and recourse must be had to other instances of the cross.

Again, let the required nature be weight or gravity. Heavy and ponderous bodies must, either of their own nature, tend towards the centre of the earth by their peculiar formation; or must be attracted, and hurried, by the corporeal mass of the earth itself, as being an assemblage of similar bodies, and be drawn to it by sympathy.* But if the latter be the cause, it follows, that the nearer bodies approach to the earth, the more powerfully and rapidly they must be borne towards it, and the further they are distant, the more faintly and slowly, (as is the case in magnetic attractions,) and that this must happen within a given distance, so that if they be separated at such a distance from the earth that the power of the earth cannot act upon them, they will remain suspended like the earth, and not fall at all.

The following instance of the cross may be adopted. Take a clock, moved by leaden weights, and another by a spring, and let them be set well together, so that one be neither quicker nor slower than the other; then let the clock moved by weights, be placed on the top of a very high church, and the other be kept below, and let it be well observed, if the former move slower than it did, from the diminished power of the weights. Let the same experiment be made at the bottom of mines worked to a considerable depth, in order to see whether the clock move more quickly from the increased power of the weights.† But, if this power be found to diminish at a height, and to increase in subterraneous places, the at-

* A close approximation to the truth and the experiment pointed out, is very ingenious; indeed, the oscillations of the pendulum, moving by its own weight, have since been used as the most delicate tests of the variation of gravity from the equator towards the poles.

† The attractive power to the centre is, on the whole, diminished in mines, because the earth above attracts in the contrary direction.

traction of the corporeal mass of the earth* may be taken as the cause of weight.

Again, let the required nature be the polarity of the steel needle, when touched with the magnet. We have these two ways with regard to this nature. Either the touch of the magnet must communicate polarity to the steel towards the north and south, or else it may only excite and prepare it, whilst the actual motion is occasioned by the presence of the earth, which Gilbert considers to be the case, and endeavours to prove with so much labour. The particulars he has inquired into with such ingenious zeal amount to this: 1. An iron bolt placed for a long time towards the north and south acquires polarity from this habit, without the touch of the magnet; as if the earth itself operating but weakly from its distance, (for the surface or outer crust of the earth does not, in his opinion, possess the magnetic power,) yet, by long continued motion, could supply the place of the magnet, excite the iron, and convert and change it when excited. 2. Iron, at a red or white heat, when quenched in a direction parallel to the north and south, also acquires polarity without the touch of the magnet; as if the parts of iron being put in motion by ignition, and afterwards recovering themselves, were at the moment of being quenched more susceptible and sensitive of the power emanating from the earth, than at other times, and, therefore, as it were, excited. But these points, though well observed, do not completely prove his assertion.

An instance of the cross on this point might be as follows. Let a small magnetic globe be taken, and its poles marked, and placed towards the east and west, not towards the north and south, and let it continue thus. Then let an untouched needle be placed over it, and suffered to remain so for six or seven days. Now, the needle, (for this is not disputed,) whilst it remains over the magnet, will leave the poles of the world, and turn to those of the magnet, and, therefore, as long as it remains in the above position will turn to the east and west. But if the needle, when removed from the magnet, and placed upon a pivot, be found immediately to turn to the north and south, or even by degrees to turn thither, then the presence of the earth must be considered as the cause; but if it remains turned as at first towards the east and west, or lose its polarity, then that cause must be suspected, and farther inquiry made.

Again, let the required nature be the corporeal substance of the moon, whether it be rare, fiery, and aërial, (as most of the ancient philosophers have thought,) or solid and dense, (as Gilbert and many of the moderns, with some of the ancients, hold.)* The reasons for this latter opinion are grounded chiefly upon this, that the moon reflects the sun's rays, and that light does not appear capable of being reflected, except by solids. The instance of the cross will, therefore, (if any,) be such as to exhibit reflection by a rare body, such as flame, if it be but sufficiently dense. Now, certainly one of the reasons of twilight is the reflection* of the rays of the sun by the upper part of the atmosphere. We see the sun's rays also reflected on fine evenings, by streaks of moist clouds, with a splendour not less, but perhaps more bright and glorious, than that reflected from the body of the moon, and yet, it is not clear that those clouds have formed into a dense body of water. We see also that the dark air, behind the windows at night, reflects the light of a candle in the same manner as a dense body would do.† The experiment should also be made of causing the sun's rays to fall through a hole upon some dark and bluish flame. The unconfined rays of the sun, when falling on faint flames, do certainly appear to deaden them, and render them more like white smoke than flames. These are the only instances which occur at present of the nature of those of the cross, and better, perhaps, can be found. But it must always be observed, that reflection is not to be expected from flame, unless it be of some depth, for otherwise it becomes nearly transparent. This at least may be considered certain, that light is always either received and transmitted, or reflected by an even surface.

Again, let the required nature be the motion of projectiles (such as darts, arrows, and balls) through the air. The school, in its usual manner, treats this very carelessly, considering it enough to distinguish it by the name of violent motion, from that which they term natural, and as far as regards the first percussion or impulse, satisfies itself by its axiom, "that two bodies cannot exist in one place, or there would be a penetration of dimensions." With regard to this nature we have these two crossways. The motion must arise either from the air carrying the projected body and collecting behind it, like a stream behind boats or the wind behind straws; or from the parts of the body itself not supporting the impression, but pushing themselves forward in succession to ease it. Fracastorius, and nearly all those who have entered into any refined inquiry upon the subject, adopt the first. Nor can it be doubted, that the air has some effect, yet, the other motion is, without doubt, real, as is clear from a vast number of experiments. Amongst

* A sufficient proof of its necessary solidity is now afforded by the attraction of the sea, and the moon's motion around the earth.

* Rather the refraction—the sky or air, however, *reflects* the blue rays of light.

† The polished surface of the glass causes the reflection in this case, and not the air; and a hat or other black surface put behind the window in the day time will enable the glass to reflect distinctly for the same reason; namely, that the reflected rays are not mixed and confused with those transmitted from the other side of the window.

others we may take this instance of the cross: namely, that a thin plate or wire of iron rather stiff, or even a reed of a pen split in two, when drawn up and bent between the finger and thumb, will leap forward. For it is clear, that this cannot be attributed to the air's being collected behind the body, because the source of motion is in the centre of the plate or pen, and not in its extremities.

Again, let the required nature be the rapid and powerful motion of the explosion of gunpowder, by which such vast masses are upheaved, and such weights discharged as we observe in large mines and mortars; there are two crossways before us, with regard to this nature. This motion is excited, either by the mere effort of the body expanding itself when inflamed, or by the assisting effort of the crude spirit, which escapes rapidly from fire, and bursts violently from the surrounding flame as from a prison. The school, however, and common opinion, only consider the first effort. For men think that they are great philosophers, when they assert that flame, from the form of the element, is endowed with a kind of necessity of occupying a greater space, than the same body had occupied when in the form of powder, and that thence proceeds the motion in question. In the mean time they do not observe, that although this may be true, on the supposition of flame being generated, yet the generation may be impeded by a weight of sufficient force to compress and suffocate it; so that no such necessity exists as they assert. They are right, indeed, in imagining that the expansion, and the consequent emission or removal of the opposing body, is necessary if flame be once generated; but such a necessity is avoided, if the solid opposing mass suppress the flame before it be generated. And we in fact see that flame, especially at the moment of its generation, is mild and gentle, and requires a hollow space where it can play and try its force. The great violence of the effect, therefore, cannot be attributed to this cause: but the truth is, that the generation of these exploding flames and fiery blasts arises from the conflict of two bodies of a decidedly opposite nature; the one very inflammable, as is the sulphur, the other having an antipathy to flame; namely, the crude spirit of the nitre: so that an extraordinary conflict takes place, whilst the sulphur is becoming inflamed, as far as it can, (for the third body, the willow charcoal, merely incorporates and conveniently unites the two others,) and the spirits of nitre is escaping, as far also as it can, and at the same time expanding itself, (for air, and all crude substances, and water are expanded by heat,) fanning thus, in every direction, the flame of the sulphur by its escape and violence, just as if by invisible bellows.

Two kinds of instances of the cross might here be used: the one of very inflammable substances, such as sulphur and camphire, naphtha, and the like, and their compounds, which take fire more readily and easily than gunpowder, if left to themselves; (and this shows that the effort to catch fire does not of itself produce such a prodigious effect;) the other of substances which avoid and repel flame, such as all salts. For we see that when they are cast into the fire the aqueous spirit escapes with a crackling noise before flame is produced, which also happens, in a less degree, in stiff leaves; from the escape of the aqueous part, before the oily part has caught fire. This is more particularly observed in quicksilver, which is not improperly called mineral water; and which, without any inflammation, nearly equals the force of gunpowder, by simple explosion and expansion, and is said, when mixed with gunpowder, to increase its force.

Again, let the required nature be the transitory nature of flame, and its momentaneous extinction. For to us the nature of flame does not appear to be fixed or settled, but to be generated from moment to moment, and to be every instant extinguished; it being clear that those flames which continue and last, do not owe their continuance to the same mass of flame, but to a continued succession of new flame regularly generated, and that the same identical flame does not continue. This is easily shown by removing the food or source of the flame, when it at once goes out. We have the two following cross-ways with regard to this nature. This momentary nature either arises from the cessation of the cause which first produced it, as in light, sounds, and violent motions, as they are termed, or flame may be capable by its own nature of duration, but is subjected to some violence from the contrary natures which surround it, and is destroyed.

We may, therefore, adopt the following instance of the cross. We see to what a height the flames rise in great conflagrations; for as the base of the flame becomes more extensive, its vertex is more lofty. It appears, then, that the commencement of the extinction takes place at the sides, where the flame is compressed by the air, and is ill at ease. But the centre of the flame, which is untouched by the air, and surrounded by flame, continues the same, and is not extinguished until compressed by degrees by the air attacking it from the sides. All flame, therefore, is pyramidal, having its base near the source, and its vertex pointed, from its being resisted by the air, and not supplied from the source. On the contrary, the smoke, which is narrow at the base, expands in its ascent, and resembles an inverted pyramid; because the air admits the smoke, but compresses the flame; for, let no one dream that the lighted flame is air, since they are clearly heterogeneous.

The instance of the cross will be more accurate, if the experiment can be made by flames of

different colours. Take, therefore, a small metal sconce, and place a lighted taper in it, then put it in a basin, and pour a small quantity of spirits of wine round the sconce, so as not to reach its edge, and light the spirit. Now, the flame of the spirit will be blue, and that of the taper yellow; observe, therefore, whether the latter (which can easily be distinguished from the former by its colour, for flames do not mix immediately, as liquids do) continue pyramidal, or tend more to a globular figure, since there is nothing to destroy or compress it. If the latter result be observed, it must be considered as settled, that flame continues positively the same, whilst enclosed within another flame, and not exposed to the resisting force of the air.

Let this suffice for the instances of the cross. We have dwelt the longer upon them in order gradually to teach and accustom mankind to judge of nature by these instances, and enlightening experiments, and not by probable reasons.

37. We will treat of the instances of *divorce* as the fifteenth of our prerogative instances. They indicate the separation of natures of the most common occurrence. They differ, however, from those subjoined to the accompanying instances; for the instances of divorce point out the separation of a particular nature from some concrete substance with which it is usually found in conjunction, whilst the hostile instances point out the total separation of one nature from another. They differ also from the instances of the cross, because they decide nothing, but only inform us that the one nature is capable of being separated from the other. They are of use in exposing false forms, and dissipating hasty theories derived from obvious facts: so that they add ballast and weight, as it were, to the understanding.

For instance, let the required natures be those four which Telesius terms associates, and of the same family, namely, heat, light, rarity, and mobility, or promptitude to motion; yet, many instances of divorce can be discovered between them. Air is rare and easily moved, but neither hot nor light, the moon is light, but not hot, boiling water is warm, but not light, the motion of the needle in the compass is swift and active, and its substance is cold, dense, and opaque; and there are many similar examples.

Again, let the required natures be corporeal nature and natural action. The latter appears incapable of subsisting without some body, yet may we, perhaps, even here find an instance of divorce, as in the magnetic motion, which draws the iron to the magnet, and heavy bodies to the globe of the earth: to which we may add other actions which operate at a distance. For such action takes place in time, by distinct moments, not in an instant; and in space by regular degrees and distances. There is, therefore, some one moment of time and some interval of space, in which the power or action is suspended betwixt the two bodies creating the motion. Our consideration, then, is reduced to this, whether the bodies which are the extremes of motion prepare or alter the intermediate bodies, so that the power advances from one extreme to the other by succession and actual contact, and in the mean time exists in some intermediate body; or whether there exist in reality nothing but the bodies, the power, and the space? In the case of the rays of light, sounds, and heat, and some other objects which operate at a distance, it is indeed probable that the intermediate bodies are prepared and altered, the more so because a qualified medium is required for their operation. But the magnetic or attractive power admits of an indifferent medium, and it is not impeded in any. But if that power or action is independent of the intermediate body, it follows that it is a natural power or action, existing in a certain time and space without any body, since it exists neither in the extreme nor in the intermediate bodies. Hence the magnetic action may be taken as an instance of divorce of corporeal nature and natural action: to which we may add as a corollary, and an advantage not to be neglected, that it may be taken as a proof of essence and substance being separate and incorporeal, even by those who philosophize according to the senses. For if natural power and action emanating from a body can exist at any time and place entirely without any body, it is nearly a proof that it can also emanate originally from an incorporeal substance. For a corporeal nature appears to be no less necessary for supporting and conveying, than for exciting or generating natural action.

38. Next follow five classes of instances which we are wont to call by the general term of instances *of the lamp*, or of immediate information. They are such as assist the senses. For since every interpretation of nature sets out from the senses, and leads, by a regular, fixed, and well established road, from the perceptions of the senses to those of the understanding, (which are true notions and axioms,) it necessarily follows that, in proportion as the representatives, or ministerings of the senses, are more abundant and accurate, every thing else must be more easy and successful.

The first of these five sets of instances of the lamp strengthen, enlarge, and correct the immediate operations of the senses. The second reduce to the sphere of the senses such matters as are beyond it. The third indicate the continued process or series of such things and motions, as, for the most part, are only observed in their termination, or in periods. The fourth supply the absolute wants of the senses. The fifth excite their attention and observation, and, at the same time, limit the subtilty of things. We will now proceed to speak of them singly.

39. In the sixteenth rank, then, of prerogative instances, we will place the instances of the *door or gate*, by which name we designate such as assist the immediate action of the senses. It is obvious, that sight holds the first rank among the senses, with regard to information, for which reason we must seek principally helps for that sense. These helps appear to be threefold; either to enable it to perceive objects not naturally seen, or to see them from a greater distance, or to see them more accurately and distinctly.

We have an example of the first (not to speak of spectacles and the like, which only correct and remove the infirmity of a deficient sight, and therefore give no further information) in the lately invented microscopes, which exhibit the latent and invisible minutiæ of substances, and their hidden formation and motion, by wonderfully increasing their apparent magnitude. By their assistance we behold, with astonishment, the accurate form and outline of a flea, moss, and animalculæ, as well as their previously invisible colour and motion. It is said also that an apparently straight line, drawn with a pen or pencil, is discovered by such a microscope to be very uneven and curved, because neither the motion of the hand, when assisted by a ruler, nor the impression of ink or colour are really regular, although the irregularities are so minute as not to be perceptible without the assistance of the microscope. Men have (as is usual in new and wonderful discoveries) added a superstitious remark, that the microscope sheds a lustre on the works of nature, and dishonour on those of art; which only means that the tissue of nature is much more delicate than that of art. For the microscope is only of use for minute objects; and Democritus, perhaps, if he had seen it, would have exulted in the thought of a means discovered for seeing his atom, which he affirmed to be entirely invisible. But the inadequacy of these microscopes, for the observation of any but the most minute bodies—and even of those, if parts of a larger body, destroys their utility. For if the invention could be extended to greater bodies, or the minute parts of greater bodies, so that a piece of cloth would appear like a net, and the latent minutiæ and irregularities of gems, liquids, urine, blood, wounds, and many other things could be rendered visible, the greatest advantage would, without doubt, be derived.

We have an instance of the second kind in the telescope, discovered by the wonderful exertions of Galileo; by the assistance of which a nearer intercourse may be opened (as by boats or vessels) between ourselves and the heavenly objects. For by its aid we are assured that the milky way is but a knot or constellation of small stars, clearly defined and separate, which the ancients only conjectured to be the case: whence it appears to be capable of demonstration, that the spaces of the planetary orbits (as they are termed) are not quite destitute of other stars, but that the heaven begins to glitter with stars before we arrive at the starry sphere; although they may be too small to be visible without the telescope. By the telescope, also, we can behold the revolutions of smaller stars round Jupiter, whence it may be conjectured that there are several centres of motion among the stars. By its assistance, also, the irregularity of light and shade on the moon's surface is more clearly observed and determined, so as to allow of a sort of selenography. By the telescope we see the spots in the sun, and other similar phenomena; all of which are most noble discoveries, as far as credit can be safely given to demonstrations of this nature, which are, on this account, very suspicious, namely, that experiment stops at these few, and nothing further has yet been discovered by the same method, among objects equally worthy of consideration.

We have instances of the third kind in measuring rods, astrolabes, and the like, which do not enlarge, but correct and guide the sight. If there be other instances which assist the other senses in their immediate and individual action, yet, if they add nothing further to their information, they are not opposite to our present purpose, and we have therefore said nothing of them.

40. In the seventeenth rank of prerogative instances we will place *citing* instances, (to borrow a term from the tribunals,) because they cite those things to appear, which have not yet appeared. We are wont also to call them invoking instances, and their property is that of reducing to the sphere of the senses objects which do not immediately fall within it.

Objects escape the senses either from their distance, or the intervention of other bodies; or because they are not calculated to make an impression upon the senses; or because they are not in sufficient quantity to strike the senses; or because there is not sufficient time for their acting upon the senses; or because the impression is too violent; or because the senses are previously filled and possessed by the object, so as to leave no room for any new motion. These remarks apply principally to sight and next to touch: which two senses act extensively in giving information, and that too upon general objects, whilst the remaining three inform us only, as it were, by their immediate action, and as to specific objects.

There can be no reduction to the sphere of the senses in the first case, unless, in the place of the object, which cannot be perceived on account of the distance, there be added or substituted some other object, which can excite and strike the sense from a greater distance, as in the communication of intelligence by fires, bells, and the like.

In the second case we effect this reduction by rendering those things which are concealed by the interposition of other bodies, and which cannot

easily be laid open, evident to the senses by means of that which lies at the surface, or proceeds from the interior; thus the state of the body is judged of by the pulse, urine, &c.

The third and fourth cases apply to many subjects, and the reduction to the sphere of the senses must be obtained from every quarter in the investigation of things. There are many examples. It is obvious that air, and spirit, and the like, whose whole substance is extremely rare and delicate, can neither be seen nor touched; a reduction therefore to the senses becomes necessary in every investigation relating to such bodies.

Let the required nature, therefore, be the action and motion of the spirit enclosed in tangible bodies. For every tangible body, with which we are acquainted, contains an invisible and intangible spirit, over which it is drawn, and which it seems to clothe. This spirit being emitted from a tangible substance, leaves the body contracted and dry, when retained it softens and melts it, when neither wholly emitted nor retained, it models it, endows it with limbs, assimilates, manifests, organizes it, and the like. All these points are reduced to the sphere of the senses by manifest effects.

For in every tangible and inanimate body the enclosed spirit at first increases, and, as it were, feeds on the tangible parts which are most open and prepared for it; and when it has digested and modified them, and turned them into spirit, it escapes with them. This formation and increase of spirit is rendered sensible by the diminution of weight: for in every desiccation something is lost in quantity, not only of the spirit previously existing in the body, but of the body itself, which was previously tangible, and has been recently changed, for the spirit itself has no weight. The departure or emission of spirit is rendered sensible in the rust of metals, and other putrefactions of a like nature, which stop before they arrive at the rudiments of life, which belong to the third species of process.* In compact bodies the spirit does not find pores and passages for its escape, and is therefore obliged to force out, and drive before it, the tangible parts also, which consequently protrude; whence arises rust, and the like. The contraction of the tangible parts, occasioned by the emission of part of the spirit, (whence arises desiccation,) is rendered sensible by the increased hardness of the substance, and still more by the fissures, contractions, shrivelling, and folds of the bodies thus produced. For, the parts of wood split and contract, skins become shrivelled, and not only that, but, if the spirit be emitted suddenly by the heat of the fire, become so hastily contracted as to twist and roll themselves up.

On the contrary, when the spirit is retained, and yet expanded and excited by heat, or the like, (which happens in solid and tenacious bodies,) then the bodies are softened, as in hot iron; or flow, as in metals; or melt, as in gums, wax, and the like. The contrary effects of heat, therefore, (hardening some substances and melting others,) are easily reconciled,* because the spirit is emitted in the former, and agitated and retained in the latter; the latter action is that of heat and the spirit, the former that of the tangible parts themselves, after the spirit's emission.

But when the spirit is neither entirely retained nor emitted, but only strives and exercises itself within its limits, and meets with tangible parts, which obey, and readily follow it wherever it leads them; then follows the formation of an organic body, and of limbs, and the other vital actions of vegetables and plants. These are rendered sensible, chiefly by diligent observation of the first beginnings, and rudiments or effects of life in animalculæ sprung from putrefaction, as in the eggs of ants, worms, mosses, frogs after rain, &c. Both a mild heat and a pliant substance, however, are necessary for the production of life, in order that the spirit may neither hastily escape, nor be restrained by the obstinacy of the parts, so as not to be able to bend and model them like wax.

Again, the difference of spirit, which is important and of effect in many points, (as unconnected spirit, branching spirit, branching and cellular spirit, the first of which is that of all inanimate substances, the second of vegetables, and the third of animals,) is placed, as it were, before the eyes, by many reducing instances.

Again, it is clear that the more refined tissue and conformation of things (though forming the whole body of visible or tangible objects) are neither visible nor tangible. Our information, therefore, must here, also, be derived from reduction to the sphere of the senses. But the most radical and primary difference of formation, depends on the abundance or scarcity of matter within the same space or dimensions. For, the other formations, which regard the dissimilarity of the parts contained in the same body, and their collocation and position, are secondary in comparison with the former.

Let the required nature then be the expansion, or coherence of matter in different bodies, or the quantity of matter relative to the dimensions of each. For, there is nothing in nature more true, than the twofold proposition, "That nothing proceeds from nothing," and "that nothing is reduced to nothing," but, that the quantum, or

* Rust is now well known to be a chymical combination of oxygen with the metal, and the metal when rusty, acquires additional weight. The theory of spirits to which Bacon frequently recurs is very obscure, especially as applied to inanimate objects. His theory as to the generation of animals, is deduced from the erroneous notion of the possibility of spontaneous generation, (as it was termed.) See the next paragraph but one.

* Limus ut hic durescit, et hæc ut cera liquescit
Uno eodemque igni.—*Virg. Ecl.* viii.

sum total of matter, is constant, and is neither increased nor diminished. Nor is it less true, "that out of this given quantity of matter, there is a greater or less quantity contained within the same space or dimensions, according to the difference of bodies;" as, for instance, water contains more than air. So that, if any one were to assert, that a given content of water can be changed into an equal content of air, it is the same as if he were to assert that something can be reduced into nothing. On the contrary, if any one were to assert, that a given content of air can be changed into an equal content of water, it is the same as if he were to assert that something can proceed from nothing. From this abundance, or scarcity of matter, are properly derived the notions of density and rarity, which are taken in various and promiscuous senses.

This third assertion may be considered as being also sufficiently certain; namely, that the greater or less quantity in this or that body, may, by comparison, be reduced to calculation, and exact, or nearly exact proportion. Thus, if one should say that there is such an accumulation of matter in a given quantity of gold, that it would require twenty-one times the quantity in dimension of spirits of wine, to make up the same quantity of matter, it would not be far from the truth.

The accumulation of matter, however, and its relative quantity are rendered sensible by weight. For weight is proportionate to the quantity of matter, as regards the parts of a tangible substance, but spirit, and its quantity of matter, are not to be computed by weight, which spirit rather diminishes than augments.

We have made a tolerably accurate table of weight, in which we have selected the weights and size of all the metals, the principal minerals, stones, liquids, oils, and many other natural and artificial bodies: a very useful proceeding both as regards theory and practice, and which is capable of revealing many unexpected results. Nor is this of little consequence, that it serves to demonstrate that the whole range of the variety of tangible bodies, with which we are acquainted, (we mean tolerably close, and not spongy, hollow bodies, which are for a considerable part filled with air,) does not exceed the ratio of one to twenty-one. So limited is nature, or at least that part of it to which we are most habituated.

We have also thought it deserving our industry, to try if we could arrive at the ratio of intangible or pneumatic bodies to tangible bodies; which we attempted by the following contrivance. We took a vial capable of containing about an ounce, using a small vessel in order to effect the subsequent evaporation with less heat. We filled this vial, almost to the neck, with spirits of wine, selecting it as the tangible body which, by our table, was the rarest, and contained a less quantity of matter in a given space, than all other tangible bodies which are compact and not hollow. Then we noted exactly the weight of the liquid and vial. We next took a bladder, containing about two pints, and squeezed all the air out of it, as completely as possible, and until the sides of the bladder met. We first, however, rubbed the bladder gently with oil, so as to make it air-tight, by closing its pores with the oil. We tied the bladder tightly round the mouth of the vial, which we had inserted in it, and with a piece of waxed thread to make it fit better and more tightly, and then placed the vial on some hot coals in a brazier. The vapour or steam of the spirit, dilated and become aeriform by the heat, gradually swelled out the bladder and stretched it in every direction like a sail. As soon as that was accomplished, we removed the vial from the fire and placed it on a carpet, that it might not be cracked by the cold: we also pricked the bladder immediately, that the steam might not return to a liquid state by the cessation of heat, and confound the proportions. We then removed the bladder, and again took the weight of the spirit which remained; and so calculated the quantity which had been converted into vapour, or an aeriform shape, and then examined how much space had been occupied by the body in its form of spirits of wine in the vial, and how much on the other hand had been occupied by it in its aeriform shape in the bladder, and subtracted the results; from which it was clear, that the body, thus converted and changed, acquired an expansion of one hundred times beyond its former bulk.

Again, let the required nature be heat or cold, of such a degree as not to be sensible from its weakness. They are rendered sensible by the thermometer as we described it above;* for the cold and heat are not actually perceived by the touch, but heat expands and cold contracts the air. Nor, again, is that expansion or contraction of the air in itself visible, but the air when expanded depresses the water, and when contracted raises it, which is the first reduction to sight.

Again, let the required nature be the mixture of bodies; namely, how much aqueous, oleaginous, or spirituous, ashy or salt parts they contain; or, as a particular example, how much butter, cheese, and whey there is in milk, and the like? These things are rendered sensible by artificial and skilful separations in tangible substances, and the nature of the spirit in them, though not immediately perceptible, is nevertheless discovered by the various motions and efforts of bodies. And, indeed, in this branch men have laboured hard in distillations and artificial separations, but with little more success than in their other experiments now in use; their methods being mere guesses and blind attempts, and more industrious than intelligent; and what is worst of all, without

* See Table of Degrees, No. 38.

any imitation or rivalry of nature, but rather by violent heats and too energetic agents, to the destruction of any delicate conformation, in which principally consist the hidden virtues and sympathies. Nor do men in these separations ever attend to or observe what we have before pointed out; namely, that in attacking bodies by fire, or other methods, many qualities are superinduced by the fire itself, and the other bodies used to effect the separation, which were not originally in the compound. Hence arise most extraordinary fallacies. For the mass of vapour, which is emitted from water by fire, for instance, did not exist as vapour or air in the water, but is chiefly created by the expansion of the water by the heat of the fire.

So, in general, all delicate experiments on natural or artificial bodies, by which the genuine are distinguished from the adulterated, and the better from the more common, should be referred to this division; for they bring that which is not the object of the senses within their sphere. They are, therefore, to be everywhere diligently sought after.

With regard to the fifth cause of objects escaping our senses, it is clear that the action of the sense takes place by motion, and this motion is time. If, therefore, the motion of any body be either so slow, or so swift, as not to be proportioned to the necessary momentum which operates on the senses, the object is not perceived at all; as in the motion of the hour hand, and that again of a musket ball. The motion which is imperceptible by the senses from its slowness, is readily and usually rendered sensible by the accumulation of motion; that which is imperceptible from its velocity, has not, as yet, been well measured; it is necessary, however, that this should be done, in some cases, with a view to a proper investigation of nature.

The sixth case, where the sense is impeded by the power of the object, admits of a reduction to the sensible sphere, either by removing the object to a greater distance, or by deadening its effects by the interposition of a medium, which may weaken and not destroy the object; or by the admission of its reflection, where the direct impres is too strong, as that of the sun in a basin of water.

The seventh case, where the senses are so overcharged with the object, as to leave no further room, scarcely occurs, except in the smell or taste, and is not of much consequence as regards our present subject. Let what we have said, therefore, suffice with regard to the reduction to the sensible sphere of objects not naturally within its compass.

Sometimes, however, this reduction is not extended to the senses of man, but to those of some other animal, whose senses, in some points, exceed those of man: as (with regard to some scents) to that of the dog, and with regard to light existing imperceptibly in the air, when not illumined from any extraneous source, to the sense of the cat, the owl, and other animals which see by night. For Telesius has well observed that there appears to be an original portion of light even in the air itself, although but slight and meagre, and of no use for the most part to the eyes of men, and those of the generality of animals; because those animals to whose senses this light is proportioned, can see by night, which does not, in all probability, proceed from their seeing either without light, or by any internal light.

Here, too, we would observe, that we at present discuss only the wants of the senses, and their remedies; for their deceptions must be referred to the inquiries appropriated to the senses, and sensible objects; except that important deception, which makes them define objects in their relation to man, and not in their relation to the universe, and which is only corrected by universal reasoning and philosophy.

41. In the eighteenth rank of prerogative instances, we will class the instances *of the road*, which we are also wont to call *itinerant* and jointed instances. They are such as indicate the gradually continued motions of nature. This species of instances escapes rather our observation, than our senses; for men are wonderfully indolent upon this subject, consulting nature in a desultory manner, and at periodic intervals, when bodies have been regularly finished and completed, and not during her work. But if any one were desirous of examining and contemplating the talents and industry of an artificer, he would not merely wish to see the rude materials of his art, and then his work when finished, but rather to be present whilst he is at labour, and proceeding with his work. Something of the same kind should be done with regard to nature. For instance, if any one investigate the vegetation of plants, he should observe from the first sowing of any seed (which can easily be done, by pulling up every day seeds which have been two, three, or four days in the ground, and examining them diligently) how and when the seed begins to swell and break, and be filled, as it were, with spirit; then how it begins to burst the bark and push out fibres, raising itself a little at the same time, unless the ground be very stiff; then how it pushes out these fibres, some downwards for roots, others upwards for the stem; sometimes, also, creeping laterally, if it find the earth open and more yielding on one side, and the like. The same should be done in observing the hatching of eggs, where we may easily see the process of animation and organization, and what parts are formed of the yolk, and what of the white of the egg, and the like. The same may be said of the inquiry into the formation of ani-

mals from putrefaction; for it would not be so humane to inquire into perfect and terrestrial animals, by cutting the fetus from the womb; but opportunities may perhaps be offered of abortions, animals killed in hunting, and the like. Nature, therefore, must, as it were, be watched, as being more easily observed by night than by day; for contemplations of this kind may be considered as carried on by night, from the minuteness and perpetual burning of our watch-light. The same must be attempted with inanimate objects, which we have ourselves done by inquiring into the opening of liquids by fire. For the mode in which water expands is different from that observed in wine, vinegar, or verjuice, and very different again from that observed in milk and oil, and the like; and this was easily seen, by boiling them with slow heat, in a glass vessel, through which the whole may be clearly perceived. But we merely mention this, intending to treat of it more at large and more closely when we come to the discovery of the latent process; for it should always be remembered that we do not here treat of things themselves, but merely propose examples.

42. In the nineteenth rank of prerogative instances we will class *supplementary* or substitutive instances, which we are also wont to call instances of refuge. They are such as supply information, where the senses are entirely deficient, and we, therefore, have recourse to them when appropriate instances cannot be obtained. This substitution is twofold, either by approximation or by analogy. For instance; there is no known medium, which entirely prevents the effect of the magnet in attracting iron, neither gold, nor silver, nor stone, nor glass, wood, water, oil, cloth, or fibrous bodies, air, flame, or the like. Yet, by accurate experiment, a medium may perhaps be found which would deaden its effect, more than another comparatively and in degree; as, for instance, the magnet would not, perhaps, attract iron through the same thickness of gold as of air, or the same quantity of ignited as of cold silver, and so on: for we have not ourselves made the experiment, but it will suffice as an example. Again, there is no known body which is not susceptible of heat, when brought near the fire. Yet, air becomes warm much sooner than stone. These are examples of substitution by approximation.

Substitution by analogy is useful, but less sure, and, therefore, to be adopted with some judgment. It serves to reduce that which is not the object of the senses to their sphere, not by the perceptible operations of the imperceptible body, but by the consideration of some similar perceptible body. For instance, let the subject for inquiry be the mixture of spirits, which are invisible bodies. There appears to be some relation between bodies and their sources or support. Now, the source of flame seems to be oil and fat; that of air, water, and watery substances; for flame increases over the exhalation of oil, and air over that of water. One must, therefore, consider the mixture of oil and water, which is manifest to the senses, since that of air and flame in general escapes the senses. But oil and water mix very imperfectly by composition, or stirring, whilst they are exactly and nicely mixed in herbs, blood, and the parts of animals. Something similar, therefore, may take place in the mixture of flame and air in spirituous substances, not bearing mixture very well by simple collision, whilst they appear, however, to be well mixed in the spirits of plants and animals.

Again, if the inquiry do not relate to perfect mixtures of spirits, but merely to their composition, as whether they easily incorporate with each other, or there be rather (as an example) certain winds and exhalations, or other spiritual bodies, which do not mix with common air, but only adhere to and float in it in globules and drops, and are rather broken and pounded by the air, than received into, and incorporated with it; this cannot be perceived in common air, and other aeriform substances, on account of the rarity of the bodies, but an image, as it were, of this process, may be conceived in such liquids as quicksilver, oil, water, and even air, when broken and dissipated it ascends in small portions through water, and also in the thicker kinds of smoke; lastly, in dust, raised and remaining in the air, in all of which there is no incorporation: and the above representation in this respect is not a bad one, if it be first diligently investigated, whether there can be such a difference of nature between spirituous substances, as between liquids, for, then, these images might conveniently be substituted by analogy.

And although we have observed of these supplementary instances, that information is to be derived from them, when appropriate instances are wanting, by way of refuge, yet, we would have it understood, that they are also of great use, when the appropriate instances are at hand, in order to confirm the information afforded by them; of which we will speak more at length, when our subject leads us, in due course, to the supports of induction.

43. In the twentieth rank of prerogative instances we will place *lancing* instances, which we are also wont (but for a different reason) to call twitching instances. We adopt the latter name, because they twitch the understanding, and the former because they pierce nature, whence we style them occasionally the instances of Democritus.* They are such as warn the understanding of the admirable and exquisite subtility of nature, so that it becomes roused and awakened

* Alluding to his theory of atoms.

to attention, observation, and proper inquiry: as, for instance, that a little drop of ink should be drawn out into so many letters; that silver merely gilt on its surface should be stretched to such a length of gilt wire; that a little worm, such as you may find on the skin, should possess both a spirit and a varied conformation of its parts; that a little saffron should imbue a whole tub of water with its colour; that a little musk or aroma should imbue a much greater extent of air with its perfume; that a cloud of smoke should be raised by a little incense; that such accurate differences of sounds as articulate words should be conveyed in all directions through the air, and even penetrate the pores of wood and water, (though they become much weakened;) that they should be moreover reflected, and that with such distinctness and velocity; that light and colour should for such an extent, and so rapidly pass through solid bodies, such as glass and water, with so great and so exquisite a variety of images, and should be refracted and reflected; that the magnet should attract through every description of body, even the most compact; but (what is still more wonderful) that in all these cases the action of one should not impede that of another in a common medium, such as air; and that there should be borne through the air, at the same time, so many images of visible objects, so many impulses of articulation, so many different perfumes, as of the violet, rose, &c., besides cold and heat, and magnetic attractions; all of them, I say, at once, without any impediment from each other, as if each had its paths and peculiar passage set apart for it, without infringing against or meeting each other.

To these lancing instances, however, we are wont, not without some advantage, to add those which we call the limits of such instances. Thus, in the cases we have pointed out, one action does not disturb or impede another of a different nature, yet those of a similar nature subdue and extinguish each other; as the light of the sun does that of the candle, the sound of a cannon that of the voice, a strong perfume a more delicate one, a powerful heat a more gentle one, a plate of iron between the magnet and other iron the effect of a magnet. But the proper place for mentioning these will be also amongst the supports of induction.

44. We have now spoken of the instances which assist the senses, and which are principally of service as regards information; for information begins from the senses. But our whole labour terminates in practice, and as the former is the beginning, so is the latter the end of our subject. The following instances, therefore, will be those which are chiefly useful in practice. They are comprehended in two classes, and are seven in number. We call them all by the general name of practical instances. Now, there are two defects in practice, and as many divisions of important instances. Practice is either deceptive or too laborious. It is generally deceptive, (especially after a diligent examination of natures,) on account of the power and actions of bodies being ill defined and determined. Now, the powers and actions of the bodies are defined and determined either by space or by time, or by the quantity at a given period, or by the predominance of energy; and if these four circumstances be not well and diligently considered, the sciences may indeed be beautiful in theory, but are of no effect in practice. We call the four instances referred to this class, *mathematical* instances and instances of measure.

Practice is laborious either from the multitude of instruments, or the bulk of matter and substances requisite for any given work. Those instances, therefore, are valuable, which either direct practice to that which is of most consequence to mankind, or lessen the number of instruments, or of matter to be worked upon. We assign to the three instances relating to this class the common name of *propitious* or *benevolent* instances. We will now separately discuss these seven instances, and conclude with them that part of our work which relates to the prerogative or illustrious instances.

45. In the twenty-first rank of prerogative instances, we will place the instances *of the rod or rule*, which we are also wont to call the instances of completion, or non-ultra. For the powers and motions of bodies do not act and take effect through indefinite and accidental, but through limited and certain spaces; and it is of great importance to practice that these should be understood and noted in every nature which is investigated; not only to prevent deception, but to render practice more extensive and efficient. For it is sometimes possible to extend these powers, and bring the distance, as it were, nearer, as in the example of telescopes.

Many powers act and take effect only by actual touch, as in the percussion of bodies; where the one does not remove the other, unless the impelling touch the impelled body. External applications in medicine, as ointment, and plasters, do not exercise their efficacy, except when in contact with the body. Lastly, the objects of touch and taste only strike those senses when in contact with their organs.

Other powers act at a distance, though it be very small, of which but few have, as yet, been noted, although there be more than men suspect; this happens (to take every day-instances) when amber or jet attract straws, bubbles dissolve bubbles, some purgative medicines draw humours from above, and the like. The magnetic power by which iron and the magnet, or two magnets, are attracted together, acts within a definite and narrow sphere; but if there be any magnetic power emanating from the earth, a little

below its surface, and affecting the needle in its polarity, it must act at a great distance.

Again, if there be any magnetic force, which acts by sympathy between the globe of the earth and heavy bodies, or between that of the moon and the waters of the sea, (as seems most probable from the particular floods and ebbs which occur twice in the month,) or between the starry sphere and the planets, by which they are summoned and raised to their apogees; these must all operate at very great distances.* Again, some conflagrations and the kindling of flames take at very considerable distances, with particular substances, as they report of the naphtha of Babylon. Heat, too, insinuates itself at wide distances, as does also cold, so that the masses of ice which are broken off and float upon the Northern Ocean, and are borne through the Atlantic to the coast of Canada, become perceptible by the inhabitants, and strike them with cold from a distance. Perfumes also (though here there appears to be always some corporeal emission) act at remarkable distances; as is experienced by persons sailing by the coast of Florida, or parts of Spain, where there are whole woods of lemons, oranges, and other odoriferous plants, or rosemary and marjorum bushes, and the like. Lastly, the rays of light and the impression of sound act at extensive distances.

Yet all these powers, whether acting at a small or great distance, certainly act within definite distances, which are well ascertained by nature: so that there is a limit depending either on the mass or quantity of the bodies, the vigour or faintness of the powers, or the favourable or impeding nature of the medium, all of which should be taken into account and observed. We must also note the boundaries of violent motions, such as missiles, projectiles, wheels, and the like, since they are also manifestly confined to certain limits.

Some motions and virtues are to be found of a directly contrary nature to these, which act in contact, but not at a distance; namely, such as operate at a distance, and not in contact, and again act with less force at a less distance, and the reverse. Sight, for instance, is not easily effective in contact, but requires a medium and distance; although I remember having heard from a person, deserving of credit, that in being cured of a cataract, (which was done by putting a small silver needle within the first coat of the eye, to remove the thin pellicle of the cataract, and force it into a corner of the eye,) he had distinctly seen the needle moving across the pupil. Still, though this may be true, it is clear that large bodies cannot be seen well or distinctly, unless at the vertex of a cone, where the rays from the object meet at some distance from the eye. In old persons, the eye sees better if the object be moved a little farther, and not nearer. Again, it is certain, that in projectiles the impact is not so violent at too short a distance as a little afterwards.* Such are the observations to be made on the measure of motions as regards distance.

There is another measure of motion in space which must not be passed over, not relating to progressive, but spherical motion: that is, the expansion of bodies into a greater, or their contraction into a lesser sphere. For, in our measure of this motion, we must inquire what degree of compression or extension bodies easily and readily admit of, according to their nature, and at what point they begin to resist it, so as, at last, to bear it no farther; as, when an inflated bladder is compressed, it allows a certain compression of the air, but, if this be increased, the air does not suffer it, and the bladder is burst.

We have proved this by a more delicate experiment. We took a metal bell, of a light and thin sort, such as is used for salt-cellars, and immerged it in a basin of water, so as to carry the air contained in its interior down with it to the bottom of the basin. We had first, however, placed a small globe at the bottom of the basin, over which we placed the bell. The result was, that if the globe were small, compared with the interior of the bell, the air would contract itself, and be compressed without being forced out, but, if it were too large for the air readily to yield to it, the latter became impatient of the pressure, raised the bell partly up, and ascended in bubbles.

To prove, also, the extension (as well as the compression) which air admits of, we adopted the following method. We took a glass egg, with a small hole at one end; we drew out the air by violent suction at this hole, and then closed the hole with the finger, immersed the egg in water, and then removed the finger. The air being constrained by the effort made in suction, and dilated beyond its natural state, and, therefore, striving to recover and contract itself, (so that if the egg had not been immersed in water, it would have drawn in the air with a hissing sound,) now drew in a sufficient quantity of water to allow the air to recover its former dimensions.†

It is well ascertained, that rare bodies (such as air) admit of considerable contraction, as has been before observed; but tangible bodies (such as water) admit of it much less readily, and to a less extent. We investigated the latter point by the following experiment.

We had a leaden globe made, capable of containing about two pints, wine measure, and of tolerable thickness, so as to support considerable

* Observe the approximation to Newton's theory.

* Query.

† This passage shows that the pressure of the external atmosphere, which forces the water into the egg, was not, in Bacon's time, understood.

pressure. We poured water into it through an aperture, which we afterwards closed with melted lead, as soon as the globe was filled with water, so that the whole became perfectly solid. We next flattened the two opposite sides with a heavy hammer, which necessarily caused the water to occupy a less space, since the sphere is the solid of greatest content; and when hammering failed, from the resistance of the water, we made use of a mill or press, till at last the water, refusing to submit to a greater pressure, exuded, like a fine dew, through the solid lead. We then computed the extent to which the original space had been reduced, and concluded that water admitted such a degree of compression when constrained by great violence.

The more solid, dry, or compact bodies, such as stones, wood, and metals, admit of much less, and, indeed, scarcely any perceptible compression, or expansion, but escape by breaking, slipping forward, or other efforts; as appears in bending wood, or steel for watch-springs, in projectiles, hammering, and many other motions, all of which, together with their degrees, are to be observed and examined in the investigation of nature, either to a certainty, or by estimation, or comparison, as opportunity permits.

46. In the twenty-second rank of prerogative instances, we will place the instances *of the course*, which we were also wont to call water instances; borrowing our expression from the water hour-glass, employed by the ancients instead of those with sand. They are such as measure nature by the moments of time, as the last instances do by the degrees of space. For all motion or natural action takes place in time, more or less rapidly, but still in determined moments, well ascertained by nature. Even those actions which appear to take effect suddenly, and in the twinkling of an eye, (as we express it,) are found to admit of greater or less rapidity.

In the first place, then, we see that the return of the heavenly bodies to the same place, takes place in regular times, as does the flood and ebb f the sea. The descent of heavy bodies towards the earth, and the ascent of light bodies towards the heavenly sphere. take place in definite times, according to the nature of the body, and of the medium through which it moves. The sailing of ships, the motions of animals, the transmission of projectiles, all take place in times, the sums of which can be computed. With regard to heat, we see that boys in winter bathe their hands in the flame without being burned; and conjurors, by quick and regular movements, overturn vessels filled with wine or water, and replace them without spilling the liquid, with several similar instances. The compression, expansion, and eruption of several bodies, takes place more or less rapidly, according to the nature of the body, and its motion, but still in definite moments.

In the explosion of several cannon at once, (which are sometimes heard at the distance of thirty miles,) the sound of those nearest to the spot, is heard before that of the most distant. Even in sight, (whose action is most rapid,) it is clear that a definite time is necessary for its exertion, which is proved by certain objects being invisible from the velocity of their motion, such as a musket ball. For the flight of a ball is too swift to allow an impression of its figure to be conveyed to the sight.

This last instance, and others of a like nature, have sometimes excited in us a most marvellous doubt, no less than whether the image of the sky and stars is perceived as at the actual moment of its existence, or rather a little after, and whether there is not (with regard to the visible appearance of the heavenly bodies) a true and apparent time, as well as a true and apparent place, which is observed by astronomers in parallaxes.* It appeared so incredible to us, that the images or radiations of heavenly bodies could suddenly be conveyed through such immense spaces to the sight, and it seemed that they ought rather to be transmitted in a definite time. That doubt, however, (as far as regards any great difference between the true and apparent time,) was subsequently completely set at rest, when we consider the infinite loss and diminution of size as regards the real and apparent magnitude of a star, occasioned by its distance, and at the same time observed at how great a distance (at least sixty miles) bodies which are merely white can be suddenly seen by us. For there is no doubt, that the light of heavenly bodies not only far surpass the vivid appearance of white, but even the light of any flame (with which we are acquainted) in the vigour of its radiation. The immense velocity of the bodies themselves, which is perceived in their diurnal motion, and has so astonished thinking men, that they have been more ready to believe in the motion of the earth, renders the motion of radiation from them (marvellous as it is in its rapidity) more worthy of belief. That which has weighed most with us, however, is, that if there were any considerable interval of time between the reality and the appearance, the images would often be interrupted and confused by clouds formed in the mean time, and similar disturbances of the medium. Let this suffice with regard to the simple measures of time.

It is not merely the absolute, but still more the relative measure of motions and actions which must be inquired into, for this latter is of great use and application. We perceive that the flame of fire-arms is seen sooner than the sound is heard, although the ball must have struck the air before the flame, which was behind it, could escape: the reason of which is, that light moves with greater

* This is a singular approximation to Rœmer's discovery of time being required for the propagation of light.

velocity than sound. We perceive, also, that visible images are received by the sight with greater rapidity than they are dismissed, and for this reason, a violin string touched with the finger appears double or triple, because the new image is received before the former one is dismissed. Hence, also, rings when spinning, appear globular, and a lighted torch, borne rapidly along at night, appears to have a tail. Upon the principle of the inequality of motion, also, Galileo attempted an explanation of the flood and ebb of the sea, supposing the earth to move rapidly, and the water slowly, by which means the water, after accumulating, would at intervals fall back, as is shown in a vessel of water made to move rapidly. He has, however, imagined this on data which cannot be granted, (namely, the earth's motion,) and, besides, does not satisfactorily account for the tide taking place every six hours.

An example of our present point, (the relative measure of motion,) and, at the same time, of its remarkable use of which we have spoken, is conspicuous in mines filled with gunpowder, where immense weights of earth, buildings, and the like, are overthrown and prostrated by a small quantity of powder; the reason of which is decidedly this, that the motion of the expansion of the gunpowder is much more rapid than that of gravity, which would resist it, so that the former has terminated before the latter has commenced. Hence, also, in missiles, a strong blow will not carry them so far as a sharp and rapid one. Nor could a small portion of animal spirit in animals, especially in such vast bodies as those of the whale and elephant, have ever bent or directed such a mass of body, were it not owing to the velocity of the former, and the slowness of the latter in resisting its motion.

In short, this point is one of the principal foundations of the magic experiments, (of which we shall presently speak,) where a small mass of matter overcomes and regulates a much larger, if there be but an anticipation of motion, by the velocity of one before the other is prepared to act.

Finally, the point of the first and last should be observed in all natural actions. Thus, in an infusion of rhubarb, the purgative property is first extracted, and then the astringent; we have experienced something of the same kind in steeping violets in vinegar, which first extracts the sweet and delicate odour of the flower, and then the more earthy part, which disturbs the perfume; so that if the violets be steeped a whole day, a much fainter perfume is extracted than if they were steeped for a quarter of an hour only, and then taken out; and since the odoriferous spirit in the violet is not abundant, let other and fresh violets be steeped in the vinegar every quarter of an hour, as many as six times, when the infusion becomes so strengthened, that although the violets have not altogether remained there for more than one hour and a half, there remains a most pleasing perfume, not inferior to the flower itself, for a whole year. It must be observed, however, that the perfume does not acquire its full strength, till about a month after the infusion. In the distillation of aromatic plants macerated in spirits of wine, it is well known that an aqueous and useless phlegm rises first, then water containing more of the spirit, and lastly, water containing more of the aroma; and many observations of the like kind, well worthy of notice, are to be made in distillations. But let these suffice as examples.

47. In the twenty-third rank of prerogative instances, we will place instances of *quantity*, which we are also wont to call the doses of nature, (borrowing a word from medicine.) They are such as measure the powers by the quantity of bodies, and point out the effect of the quantity in the degree of power. And, in the first place, some powers only subsist in the universal quantity, or such as bears a relation to the conformation and fabric of the universe. Thus the earth is fixed, its parts fall. The waters in the sea flow and ebb, but not in the rivers, except by the admission of the sea. Then, again, almost all particular powers act according to the greater or less quantity of the body. Large masses of water are not easily rendered foul, small are. New wine and beer become ripe and drinkable in small skins, much more readily than in large casks. If an herb be placed in a considerable quantity of liquid, infusion takes place rather than impregnation, if in less, the reverse. A bath, therefore, and a light sprinkling, produce different effects on the human body. Light dew, again, never falls, but is dissipated and incorporated with the air; thus we see that in breathing on gems the slight quantity of moisture, like a small cloud in the air, is immediately dissolved. Again, a piece of the same magnet does not attract so much iron as the whole magnet did. There are some powers where the smallness of the quantity is of more avail; as in boring, a sharp point pierces more readily than a blunt one; the diamond, when pointed, makes an impression on glass, and the like.

Here, too, we must not rest contented with a vague result, but inquire into the exact proportion of quantity requisite for a particular exertion of power. For one would be apt to suppose that the power bears an exact proportion to the quantity; that if a leaden bullet of one ounce, for instance, would fall in a given time, one of two ounces ought to fall twice as rapidly, which is most erroneous. Nor does the same ratio prevail in every kind of power, their difference being considerable. The measure, therefore, must be determined by experiment, and not by probability or conjecture.

Lastly, we must in all our investigations of nature observe what quantity, or dose, of the body

is requisite for a given effect, and must at the same time be guarded against estimating it at too much or too little.

48. In the twenty-fourth rank of prerogative instances, we will place *wrestling* instances, which we are also wont to call instances of predominance. They are such as point out the pre-ssion of powers compared with each other, and which of them is the more energetic and superior, or more weak and inferior. For the motions and effects of bodies are compounded, decomposed, and combined, no less than the bodies themselves. We will exhibit, therefore, the principal kinds of motions or active powers, in order that their comparative strength, and thence a demonstration and definition of the instances in question, may be rendered more clear.

Let the first motion be that of the *resistance of matter*, which exists in every particle, and completely prevents its annihilation; so that no conflagration, weight, pressure, violence, or length of time, can reduce even the smallest portion of matter to nothing, or prevent it from being something, and occupying some space, and delivering itself, (whatever straits it be put to,) by changing its form or place, or, if that be impossible, remaining as it is, nor can it ever happen that it should either be nothing or nowhere. This motion is designated by the schools (which generally name and define every thing by its effects and inconveniences, rather than by its inherent cause) by the axiom, "that two bodies cannot exist in the same place," or they call it a motion, "to prevent the penetration of dimensions." It is useless to give examples of this motion, since it exists in every body.

Let the second motion be that which we term the motion of *connexion*, by which bodies do not allow themselves to be separated at any point from the contact of another body, delighting, as it were, in the mutual connexion and contact. This is called by the schools a motion "to prevent a vacuum." It takes place when water is drawn up by suction or a syringe, the flesh by cupping, or when the water remains without escaping from perforated jars, unless the mouth be opened to admit the air, and innumerable instances of a like nature.

Let the third be that which we term the motion of *liberty*; by which bodies strive to deliver themselves from any unnatural pressure or tension, and to restore themselves to the dimensions suited to their mass; and of which, also, there are innumerable examples. Thus, we have examples of their escaping from pressure, in the water in swimming, in the air in flying, in the water again in rowing, and in the air in the undulations of the winds, and in the springs of watches. An exact instance of the motion of compressed air is seen in children's popguns, which they make by scooping out elder branches, or some such matter, and forcing in a piece of some pulpy root, or the like, at each end; then they force the root or other pellet with a ramrod to the opposite end, from which the lower pellet is emitted and projected with a report, and that before it is touched by the other piece of root or pellet, or by the ramrod. We have examples of their escape from tension, in the motion of the air that remains in glass eggs after suction, in strings, leather, and cloth, which recoil after tension, unless it be long continued. The schools define this by the term of motion "from the form of the element;" injudiciously enough, since this motion is to be found not only in air, water, or fire, but in every species of solid, as wood, iron, lead, cloth, parchment, &c., each of which has its own proper size, and is with difficulty stretched to any other. Since, however, this motion of liberty is the most obvious of all, and to be seen in an infinite number of cases, it will be as well to distinguish it correctly and clearly; for some most carelessly confound this with the two others of resistance and connection; namely, the freedom from pressure with the former, and that from tension with the latter; as if bodies when compressed yielded or expanded to prevent a penetration of dimensions, and, when stretched, rebounded and contracted themselves to prevent a vacuum. But if, the air, when compressed, could be brought to the density of water, or wood to that of stone, there would be no need of any penetration of dimensions, and yet the compression would be much greater than they actually admit of. So, if water could be expanded till it became as rare as air, or stone as rare as wood, there would be no need of a vacuum, and yet the expansion would be much greater than they actually admit of. We do not, therefore, arrive at a penetration of dimensions or a vacuum, before the extremes of condensation and rarefaction, whilst the motion we speak of stops and exerts itself much within them, and is nothing more than a desire of bodies to preserve their specific density, (or, if it be preferred, their form,) and not to desert them suddenly, but only to change by degrees, and of their own accord. It is, however, much more necessary to intimate to mankind, (because many other points depend upon this) that the violent motion which we call mechanical, and Democritus (who, in explaining his primary motions, is to be ranked even below the middling class of philosophers) termed the motion of a blow, is nothing else than this motion of liberty, namely, a tendency to relaxation from compression. For, in all simple impulsion or flight through the air, the body is not displaced or moved in space, until its parts are placed in an unnatural state, and compressed by the impelling force. When that takes place, the different parts urging the other in succession, the whole is moved, and that with a rotatory as well as pro-

gressive motion, in order that the parts may, by this means, also, set themselves at liberty, or more readily submit. Let this suffice for the motion in question.

Let the fourth be that which we term the motion of *matter*, and which is opposed to the last. For, in the motion of liberty, bodies abhor, reject, and avoid a new size or volume, or any new expansion or contraction, (for these different terms have the same meaning,) and strive, with all their power, to rebound and resume their former density. On the contrary, in the motion of matter they are anxious to acquire a new volume or dimension, and attempt it willingly and rapidly, and occasionally by a most vigorous effort, as in the example of gunpowder. The most powerful, or, at least, most frequent, though not the only instruments of this motion, are heat and cold. For instance, the air, if expanded by tension, (as by suction in the glass egg,) struggles anxiously to restore itself; but if heat be applied, it strives, on the contrary, to dilate itself, and longs for a larger volume, regularly passing and migrating into it, as into a new form, (as it is termed:) nor, after a certain degree of expansion, is it anxious to return, unless it be invited to do so by the application of cold, which is not indeed a return, but a fresh change. So, also, water, when confined by compression, resists, and wishes to become as it was before, namely, more expanded; but if there happen an intense and continued cold, it changes itself readily and of its own accord, into the condensed state of ice; and if the cold be long continued, without any intervening warmth, (as in grottos and deep caves,) it is changed into crystal or similar matter, and never resumes its form.

Let the fifth be that which we term the motion of *continuity*. We do not understand by this, simple and primary continuity with any other body, (for that is the motion of connexion,) but the continuity of a particular body in itself. For it is most certain, that all bodies abhor a solution of continuity, some more and some less, but all partially. In hard bodies, (such as steel and glass,) the resistance to an interruption of continuity is most powerful and efficacious, whilst, although in liquids it appears to be faint and languid, yet it is not altogether null, but exists in the lowest degree, and shows itself in many experiments, such as bubbles, the round form of drops, in thin threads which drip from roofs, the cohesion of glutinous substances, and the like. It is most conspicuous, however, if an attempt be made to push this separation to still smaller particles. Thus, in mortars, the pestle produces no effect after a certain degree of contusion, water does not penetrate small fissures, and the air itself, notwithstanding its subtilty, does not penetrate the pores of solid vessels at once, but only by long continued insinuation.

Let the sixth be that which we term the motion of *acquisition*, or the motion of *need*. It is that by which bodies placed amongst others of a heterogenous and, as it were, hostile nature, if they meet with the means or opportunity of avoiding them and uniting themselves with others of a more analagous nature, even when these latter are not closely allied to them, immediately seize and, as it were, select them, and appear to consider it as something acquired, (whence we derive the name,) and to have need of these latter bodies. For instance, gold, or any other metal in leaf, does not like the neighbourhood of air; if, therefore, they meet with any tangible and thick substance, (such as the finger, paper, or the like,) they immediately adhere to it, and are not easily torn from it. Paper, too, and cloth, and the like, do not agree with the air, which is inherent and mixed in their pores. They readily, therefore, imbibe water or other liquids, and get rid of the air. Sugar, or a sponge, dipped in water or wine, and though part of it be out of the water or wine, and at some height above it, will yet gradually absorb them.

Hence, an excellent rule is derived for the opening and dissolution of bodies. For, (not to mention corrosive and strong waters, which force their way,) if a body can be found which is more adapted, suited, and friendly to a given solid, than that with which it is by some necessity united, the given solid immediately opens and dissolves itself to receive the former, and excludes or removes the latter.* Nor is the effect or power of this motion confined to contact, for the electric energy (of which Gilbert and others after him have told so many fables) is only the energy excited in a body by gentle friction, and which does not endure the air, but prefers some tangible substance, if there be any at hand.

Let the seventh be that which we term the motion of *greater congregation*, by which bodies are borne towards masses of a similar nature, for instance, heavy bodies towards the earth, light to the sphere of heaven. The schools termed this natural motion, by a superficial consideration of it, because produced by no external visible agent, which made them consider it innate in the substances; or, perhaps, because it does not cease, which is little to be wondered at, since heaven and earth are always present, whilst the causes and sources of many other motions are sometimes absent, and sometimes present. They, therefore, called this perpetual and proper, because it is never interrupted, but instantly takes place when the others are interrupted, and they called the others adscititious. The former, however, is in reality weak and slow, since it yields, and is inferior to the others as long as they act, unless the mass of the body be great; and although this motion have so filled men's minds, as almost to

* This is one of the most useful practical methods in chymistry at the present day.

have obscured all others, yet they know but little about it, and commit many errors in its estimate.

Let the eighth be that which we term the motion of *lesser congregation*, by which the homogeneous parts in any body separate themselves from the heterogenous and unite together, and whole bodies of a similar substance coalesce and tend towards each other, and are sometimes congregated, attracted, and meet, from some distance; thus, in milk the cream rises after a certain time, and in wine the dregs and tartar sink; which effects are not to be attributed to gravity and levity only, so as to account for the rising of some parts and the sinking of others, but much more to the desire of the homogeneous bodies to meet and unite. This motion differs from that of need in two points: 1st. Because the latter is the stimulus of a malignant and contrary nature; whilst in this of which we treat, (if there be no impediment or restraint,) the parts are united by their affinity, although there be no foreign nature to create a struggle; 2dly. Because the union is closer and more select. For, in the other motion, bodies which have no great affinity unite, if they can but avoid the hostile body, whilst in this, substances which are connected by a decided kindred resemblance, come together and are moulded into one. It is a motion existing in all compound bodies, and would be readily seen in each, if it were not confined and checked by the other affections and necessities of bodies which disturb the union.

This motion is usually confined in the three following manners: by the torpor of the bodies; by the power of the predominating body; by external motion. With regard to the first, it is certain that there is more or less sluggishness in tangible bodies, and an abhorrence of locomotion: so that, unless excited, they prefer remaining contented with their actual state, to placing themselves in a better position. There are three means of breaking through this sluggishness: heat; the active power of a similar body; vivid and powerful motion. With regard to the first, heat is, on this account, defined as that which separates heterogeneous, and draws together homogeneous substances; a definition of the peripatetics, which is justly ridiculed by Gilbert, who says it is as if one were to define man to be that which sows wheat and plants vineyards; being only a definition deduced from effects, and those but partial. But, it is still more to be blamed, because those effects, such as they are, are not a peculiar property of heat, but a mere accident, (for cold, as we shall afterwards show, does the same,) arising from the desire of the homogeneous parts to unite; the heat then assists them in breaking through that sluggishness, which before restrained their desire. With regard to the assistance derived from the power of a similar body, it is most conspicuous in the magnet when armed with steel, for it excites in the steel a power of adhering to steel, as a homogeneous substance, the power of the magnet breaking through the sluggishness of the steel. With regard to the assistance of motion, it is seen in wooden arrows or points, which penetrate more deeply into wood than if they were tipped with iron, from the similarity of the substance, the swiftness of the motion breaking through the sluggishness of the wood; of which two last experiments we have spoken above, in the aphorism on clandestine instances.*

The confinement of the motion of lesser congregation, which arise from the power of the predominant body, is shown in the decomposition of blood and urine by cold. For, as long as these substances are filled with the active spirit, which regulates and restrains each of their component parts, as the predominant ruler of the whole, the several different parts do not collect themselves separately on account of the check; but as soon as that spirit has evaporated, or has been choked by the cold, then the decomposed parts unite, according to their natural desire. Hence, it happens, that all bodies which contain a sharp spirit (as salts, and the like) last, without decomposition, owing to the permanent and durable power of the predominating and imperious spirit.

The confinement of the motion of lesser congregation, which arises from external motion, is very evident in that agitation of bodies, which preserves them from putrefaction. For all putrefaction depends on the congregation of the homogeneous parts, whence, by degrees, there ensues a corruption of the first form, (as it is called,) and the generation of another. For, the decomposition of the original form, which is itself the union of the homogeneous parts, precedes the putrefaction, which prepares the way for the generation of another. This decomposition, if not interrupted, is simple; but if there be various obstacles, putrefactions ensue, which are the rudiments of a new generation. But, if (to come to our present point) a frequent agitation be excited, by external motion, the motion towards union (which is delicate and gentle, and requires to be free from all external influence) is disturbed, and ceases; which we perceive to be the case in innumerable instances. Thus, the daily agitation or flowing of water prevents putrefaction; winds prevent the air from being pestilent; corn, turned about and shaken in granaries, continues clean; in short, every thing which is externally agitated, will, with difficulty, rot internally.

We must not omit that union of the parts of bodies which is the principal cause of induration and desiccation. When the spirit or moisture, which has evaporated into spirit, has escaped

* See Aphorism 25.

from a porous body, (such as wood, bone, parchment, and the like,) the thicker parts are drawn together, and united with a greater effort, and induration or desiccation is the consequence; and this we attribute not so much to the motion of connexion, (in order to prevent a vacuum,) as to this motion of friendship and union.

Union from a distance is rare, and yet is to be met with in more instances than are generally observed. We perceive it when one bubble dissolves another, when medicines attract humours from a similarity of substance, when one string moves another in unison with it on different instruments, and the like. We are of opinion that this motion is very prevalent also in animal spirits, but are quite ignorant of the fact. It is, however, conspicuous in the magnet, and magnetized iron. Whilst speaking of the motions of the magnet, we must plainly distinguish them, for there are four distinct powers or effects of the magnet which should not be confounded, although the wonder and astonishment of mankind has classed them together. 1. The attraction of the magnet to the magnet, or of iron to the magnet, or of magnetized iron to iron. 2. Its polarity towards the north and south, and its variation. 3. Its penetration through gold, glass, stone, and all other substances. 4. The communication of power from the mineral to iron, and from iron to iron, without any communication of the substances. Here, however, we only speak of the first. There is also a singular motion of attraction between quicksilver and gold, so that the gold attracts quicksilver even when made use of in ointment, and those who work surrounded by the vapours of quicksilver are wont to hold a piece of gold in their mouths, to collect the exhalations, which would otherwise attack the heads and bones, and this piece soon grows white.* Let this suffice for the motion of lesser congregation.

Let the ninth be the *magnetic* motion, which although of the nature of that last mentioned, yet, when operating at great distances, and on great masses, deserves a separate inquiry, especially if it neither begin in contact, as most motions of congregation do, nor end by bringing the substances into contact, as all do, but only raise them, and make them swell without any further effect. For if the moon raise the waters, or cause moist substances to swell, or if the starry sphere attract the planets towards their apogees, or the sun confine the planets Mercury and Venus to within a certain distance of his mass;† these motions do not appear capable of being classed under either of those of congregation, but to be, as it were, intermediately and imperfectly congregative, and thus to form a distinct species.

Let the tenth motion be that of *avoidance*, or that which is opposed to the motion of lesser congregation, by which bodies, with a kind of antipathy, avoid and disperse, and separate themselves from, or refuse to unite themselves with others of a hostile nature. For, although this may sometimes appear to be an accidental motion, necessarily attendant upon that of the lesser congregation, because the homogeneous parts cannot unite, unless the heterogeneous be first removed and excluded; yet it is still to be classed separately, and considered as a distinct species, because, in many cases, the desire of avoidance appears to be more marked than that of union.

It is very conspicuous in the excrements of animals, nor less, perhaps, in objects odious to particular senses, especially the smell and taste. For a fœtid smell is rejected by the nose, so as to produce a sympathetic motion of expulsion at the mouth of the stomach; a bitter and rough taste is rejected by the palate or throat, so as to produce a sympathetic concussion and shivering of the head. This motion is visible also in other cases. Thus it is observed in some kinds of antiperistasis, as in the middle region of the air, the cold of which appears to be occasioned by the rejection of cold from the regions of the heavenly bodies; and also in the heat and combustion observed in subterraneous spots, which appear to be owing to the rejection of heat from the centre of the earth. For heat and cold, when in small quantities, mutually destroy each other, whilst in larger quantities, like armies equally matched, they remove and eject each other in open conflict. It is said, also, that cinnamon and other perfumes retain their odour longer when placed near privies and foul places, because they will not unite and mix with stinks. It is well known that quicksilver, which would otherwise reunite into a complete mass, is prevented from so doing by man's spittle, pork, lard, turpentine, and the like, from the little affinity of its parts with those substances, so that when surrounded by them it draws itself back, and its avoidance of these intervening obstacles is greater than its desire of reuniting itself to its homogeneous parts; which is what they term the mortification of quicksilver. Again, the difference in weight of oil and water is not the only reason for their refusing to mix, but it is also owing to the little affinity of the two, for spirits of wine, which are lighter than oil, mix very well with water. A very remarkable instance of the motion in question is seen in nitre, and crude bodies of a like nature, which abhor flame, as may be observed in gunpowder, quicksilver, and gold. The avoidance of one pole of the magnet by iron is not, (as Gilbert has well observed,) strictly speaking, an avoidance, but a conformity, or attraction to a more convenient situation.

Let the eleventh motion be that of *assimilation*, or self-multiplication, or simple generation, by

* Query.

† Observe this approximation to Newton's theory!

which latter term we do not mean the simple generation of integral bodies, such as plants or animals, but of homogeneous bodies. By this motion homogeneous bodies convert those which are allied to them, or, at least, well disposed and prepared, into their own substance and nature. Thus flame multiplies itself over vapours and oily substances, and generates fresh flame; the air over water and watery substances multiplies itself and generates fresh air; the vegetable and animal spirit, over the thin particles of a watery or oleaginous spirit contained in its food, multiplies itself and generates fresh spirit; the solid parts of plants and animals, as the leaf, flower, the flesh, bone, and the like, each of them assimilate some part of the juices contained in their food, and generate a successive and daily substance. For let none rave with Paracelsus, who (blinded by his distillations) would have it, that nutrition takes place by mere separation, and that the eye, nose, brain, and liver, lie concealed in bread and meat, the root, leaf, and flower, in the juice of the earth; asserting that just as the artist brings out a leaf, flower, eye, nose, hand, foot, and the like, from a rude mass of stone or wood, by the separation and rejection of what is superfluous; so the great artist within us brings out our several limbs and parts by separation and rejection. But to leave such trifling, it is most certain that all the parts of vegetables and animals, as well the homogeneous as organic, first of all attract those juices contained in their food, which are nearly common, or at least not very different, and then assimilate and convert them into their own nature. Nor does this assimilation, or simple generation, take place in animated bodies only, but the inanimate also participate in the same property, (as we have observed of flame and air,) and that languid spirit, which is contained in every tangible animated substance, is perpetually working upon the coarser parts, and converting them into spirit, which afterwards is exhaled, whence ensues a diminution of weight, and a desiccation of which we have spoken elsewhere.* Nor should we, in speaking of assimilation, neglect to mention the accretion which is usually distinguished from aliment, and which is observed when mud grows into a mass between stones, and is converted into a stony substance, and the scaly substance round the teeth is converted into one no less hard than the teeth themselves; for we are of opinion that there exists in all bodies a desire of assimilation, as well as of uniting with homogeneous masses. Each of these powers, however, is confined, although in different manners, and should be diligently investigated, because they are connected with the revival of old age. Lastly, it is worthy of observation, that in the nine preceding motions, bodies appear to aim at the mere preservation of their nature, whilst in this they attempt its propagation.

* See the citing instances, Aphorism 40.

Let the twelfth motion be that of *excitement*, which appears to be a species of the last, and is sometimes mentioned by us under that name. It is, like that, a diffusive, communicative, transitive, and multiplying motion; and they agree remarkably in their effect, although they differ in their mode of action, and in their subject-matter. The former proceeds imperiously, and with authority; it orders and compels the assimilated to be converted and changed into the assimilating body. The latter proceeds by art, insinuation, and stealth, inviting and disposing the excited towards the nature of the exciting body. The former both multiplies and transforms bodies and substances; thus a greater quantity of flame, air, spirit, and flesh is formed; but in the latter, the powers only are multiplied and changed, and heat, the magnetic power, and putrefaction, in the above instances, are increased. Heat does not diffuse itself, when heating other bodies, by any communication of the original heat, but only by exciting the parts of the heated body to that motion which is the form of heat, and of which we spoke in the first vintage of the nature of heat. Heat, therefore, is excited much less rapidly and readily in stone or metal, than in air, on account of the inaptitude and sluggishness of those bodies in acquiring that motion, so that it is probable that there may be some substances, towards the centre of the earth, quite incapable of being heated, on account of their density, which may deprive them of the spirit by which the motion of excitement is usually commenced. Thus, also, the magnet creates in the iron a new disposition of its parts, and a conformable motion, without losing any of its virtue. So the leaven of bread, yeast, rennet, and some poisons, excite and invite successive and continued motion in dough, beer, cheese, or the human body; not so much from the power of the exciting, as the predisposition and yielding of the excited body.

Let the thirteenth motion be that of *impression*, which is also a species of motion of assimilation, and the most subtile of diffusive motions. We have thought it right, however, to consider it as a distinct species, on account of its remarkable difference from the two last. For the simple motion of assimilation transforms the bodies themselves, so that if you remove the first agent, you diminish not the effect of those which succeed; thus, neither the first lighting of flame, nor the first conversion into air, are of any importance to the flame or air next generated. So, also, the motion of excitement still continues for a considerable time after the removal of the first agent, as in a heated body on the removal of the original heat, in the excited iron on the removal of the magnet, and in the dough on the removal of the

leaven. But the motion of impression, although diffusive and transitive, appears, nevertheless, to depend on the first agent, so that, upon the removal of the latter, the former immediately fails and perishes; for which reason also it takes effect in a moment, or at least a very short space of time. We are wont to call the two former motions the motions of the generation of Jupiter, because when born they continue to exist; and the latter, the motion of the generation of Saturn, because it is immediately devoured and absorbed. It may be seen in three instances; 1. In the rays of light; 2. In the percussions of sounds; 3. In magnetic attractions as regards communication. For, on the removal of light, colours and all its other images disappear, as, on the cessation of the first percussion and the vibration of the body, sound soon fails; and although sounds are agitated by the wind, like waves, yet it is to be observed, that the same sound does not last during the whole time of the reverberation. Thus, when a bell is struck, the sound appears to be continued for a considerable time, and one might easily be led into the mistake of supposing it to float and remain in the air during the whole time, which is most erroneous. For the reverberation is not one identical sound, but the *repetition* of sounds; which is made manifest by stopping and confining the sonorous body; thus, if a bell be stopped and held tightly, so as to be immovable, the sound fails, and there is no further reverberation; and if a musical string be touched after the first vibration, either with the finger, (as in the harp,) or a quill, (as in the harpsichord,) the sound immediately ceases. If the magnet be removed, the iron falls. The moon, however, cannot be removed from the sea, nor the earth from a heavy falling body, and we can, therefore, make no experiment upon them, but the case is the same.

Let the fourteenth motion be that of *configuration* or *position*, by which bodies appear to desire a peculiar situation, collocation, and configuration with others, rather than union or separation. This is a very abstruse motion, and has not been well investigated; and, in some instances, appears to occur almost without any cause, although we be mistaken in supposing this to be really the case. For if it be asked, why the heavens revolve from east to west, rather than from west to east, or why they turn on poles situated near the Bears, rather such a question appears to be unreasonable, since these phenomena should be received as determinate, and the objects of our experience. There are, indeed, some ultimate and self-existing phenomena in nature, but those which we have just mentioned are not to be referred to that class: for we attribute them to a certain harmony and consent of the universe, which has not yet been properly observed. But if the motion of the earth from west to east be allowed, the same question may be put, for it must also revolve round certain poles, and why should they be placed where they are, rather than elsewhere? The polarity and variation of the needle come under our present head. There is also observed in both natural and artificial bodies, especially solids rather than fluids, a particular collocation and position of parts, resembling hairs or fibres, which should be diligently investigated, since, without a discovery of them, bodies cannot be conveniently controlled or wrought upon. The eddies observable in liquids by which, when compressed, they successively raise different parts of their mass before they can escape, so as to equalize the pressure, is more correctly assigned to the motion of liberty.

Let the fifteenth motion be that of *transmission*, or of passage, by which the powers of bodies are more or less impeded or advanced by the medium, according to the nature of the bodies and their effective powers, and also according to that of the medium. For one medium is adapted to light, another to sound, another to heat and cold, another to magnetic action, and so on with regard to the other actions.

Let the sixteenth be that which we term the *royal* or *political* motion, by which the predominant and governing parts of any body check, subdue, reduce, and regulate the others, and force them to unite, separate, stand still, move, or assume a certain position, not from any inclination of their own, but according to a certain order, and as best suits the convenience of the governing part, so that there is a sort of dominion and civil government exercised by the ruling part over its subjects. This motion is very conspicuous in the spirits of animals, where, as long as it is in force, it tempers all the motion of the other parts. It is found in a less degree in other bodies, as we have observed in blood and urine, which are not decomposed until the spirit, which mixed and retained their parts, has been emitted or extinguished. Nor is this motion peculiar to spirits only, although in most bodies the spirit predominates, owing to its rapid motion and penetration; for the grosser parts predominate in denser bodies, which are not filled with a quick and active spirit, (such as exists in quicksilver or vitriol,) so that unless this check or yoke be thrown off by some contrivance, there is no hope of any transformation of such bodies. And let not any one suppose that we have forgotten our subject, because we speak of predominance in this classification of motions, which is made entirely with the view of assisting the investigation of wrestling instances, or instances of predominance. For we do not now treat of the general predominance of motions or powers, but of that of parts in whole bodies, which constitutes the particular species here considered.

Let the seventeenth motion be the *spontaneous* motion of *revolution*, by which bodies having a

tendency to move, and placed in a favourable situation, enjoy their peculiar nature, pursuing themselves and nothing else, and seeking as it were to embrace themselves. For bodies seem either to move without any limit, or to tend towards a limit, arrived at which, they either revolve according to their peculiar nature, or rest. Those which are favourably situated, and have a tendency to motion, move in a circle with an eternal and unlimited motion; those which are favourably situated and abhor motion, rest. Those which are not favourably situated move in a straight line, (as their shortest path,) in order to unite with others of a congenial nature. This motion of revolution admits of nine differences; 1. With regard to the centre about which the bodies move; 2. The poles round which they move; 3. The circumference or orbit relatively to its distance from the centre; 4. The velocity or greater or less speed with which they revolve; 5. The direction of the motion, as from east to west, or the reverse; 6. The deviation from a perfect circle, by spiral lines at a greater or less distance from the centre; 7. The deviation from the circle by spiral lines at a greater or less distance from the poles; 8. The greater or less distance of these spirals from each other; 9. And, lastly, the variation of the poles, if they be movable; which, however, only affects revolution when circular. The motion in question is, according to common and long received opinion, considered to be that of the heavenly bodies. There exists, however, with regard to this, a considerable dispute between some of the ancients as well as moderns, who have attributed a motion of revolution to the earth. A much more reasonable controversy, perhaps, exists, (if it be not a matter beyond dispute,) whether the motion in question (on the hypothesis of the earth's being fixed) is confined to the heavens, or rather descends and is communicated to the air and water. The rotation of missiles, as in darts, musket balls, and the like, we refer entirely to the motion of liberty.

Let the eighteenth motion be that of *trepidation*, to which (in the sense assigned to it by astronomers) we do not give much credit; but in our serious and general search after the tendencies of natural bodies, this motion occurs and appears worthy of forming a distinct species. It is the motion of an (as it were) eternal captivity; when bodies, for instance, being placed not altogether according to their nature, and yet not exactly ill, constantly tremble, and are restless, not contented with their position, and yet not daring to advance. Such is the motion of the heart and the pulse of animals, and it must necessarily occur in all bodies which are situated in a mean state, between conveniences and inconveniences; so that being removed from their proper position, they strive to escape, are repulsed, and again continue to make the attempt.

Let the nineteenth and last motion be one which can scarcely be termed a motion, and yet is one; and which we may call the motion of *repose*, or of abhorrence of motion. It is by this motion that the earth stands by its own weight, whilst its extremes move towards the middle, not to an imaginary centre, but in order to unite. It is owing to the same tendency, that all bodies of considerable density abhor motion, and their only tendency is not to move, which nature they preserve, although excited and urged in a variety of ways to motion. But if they be compelled to move, yet do they always appear anxious to recover their former state, and to cease from motion, in which respect they certainly appear active, and attempt it with sufficient swiftness and rapidity, as if fatigued and impatient of delay. We can only have a partial representation of this tendency, because with us every tangible substance is not only not condensed to the utmost, but even some spirit is added, owing to the action and concocting influence of the heavenly bodies.

We have now, therefore, exhibited the species or simple elements of the motions, tendencies, and active powers, which are most universal in nature; and no small portion of natural science has been thus sketched out. We do not, however, deny that other instances can, perhaps, be added, and our divisions changed according to some more natural order of things, and also reduced to a less number; in which respect we do not allude to any abstract classification, as if one were to say, that "bodies desire the preservation, exaltation, propagation, or fruition of their nature;" or, that "motion tends to the preservation and benefit either of the universe, (as in the case of those of resistance and connection,) or of extensive wholes, (as in the case of those of the greater congregation, revolution, and abhorrence of motion,) or in particular forms, as in the case of the others. For, although such remarks be just, yet, unless they terminate in matter and construction, according to true definitions, they are speculative and of little use. In the mean time, our classification will suffice, and be of much use in the consideration of the predominance of powers, and examining the wrestling instances which constitute our present subject.

For, of the motions here laid down, some are quite invincible, some more powerful than others, which they confine, check, and modify; others extend to a greater distance, others are more immediate and swift, others strengthen, increase, and accelerate the rest.

The motion of resistance is most adamantine and invincible. We are yet in doubt whether such be the nature of that of connection; for we cannot with certainty determine whether there be a vacuum, either extensive or intermixed with matter. Of one thing, however, we are satisfied, that the reason assigned by Leucippus and De-

mocritus for the introduction of a vacuum, (namely, that the same bodies could not otherwise comprehend and fill greater and less spaces,) is false. For there is clearly a folding of matter, by which it wraps and unwraps itself in space within certain limits, without the intervention of a vacuum. Nor is there two thousand times more of vacuum in air than in gold, as there should be on this hypothesis; a fact demonstrated by the very powerful energies of fluids, (which would otherwise float like fine dust in vacuo,) and many other proofs. The other motions direct and are directed by each other according to their strength, quantity, excitement, emission, or the assistance or impediments they meet with.

For instance, some armed magnets hold and support iron of sixty times their own weight; so far does the motion of lesser congregation predominate over that of the greater; but if the weight be increased, it yields. A lever of a certain strength will raise a given weight, and so far the motion of liberty predominates over that of the greater congregation, but if the weight be greater, the former motion yields. A piece of leather stretched to a certain point does not break, and so far the motion of continuity predominates over that of tension, but if the tension be greater, the leather breaks, and the motion of continuity yields. A certain quantity of water flows through a chink, and so far the motion of greater congregation predominates over that of continuity, but if the chink be smaller, it yields. If a musket be charged with ball and powdered sulphur alone, and fire be applied, the ball is not discharged, in which case the motion of greater congregation overcomes that of matter, but when gunpowder is used, the motion of matter in the sulphur predominates, being assisted by that motion and the motion of avoidance in the nitre; and so of the rest. For wrestling instances (which show the predominance of powers, and in what manner and proportion they predominate and yield) must be searched for with active and industrious diligence.

The methods and nature of this yielding must also be diligently examined; as, for instance, whether the motions completely cease or exert themselves, but are constrained. For, in the bodies with which we are acquainted, there is no real, but an apparent rest, either in the whole or in parts. This apparent rest is occasioned either by equilibrium or the absolute predominance of motions. By equilibrium, as in the scales of the balance, which rest if the weights be equal. By predominance, as in perforated jars, in which the water rests, and is prevented from falling by the predominance of the motion of connection. It is, however, to be observed (as we have said before) how far the yielding motions exert themselves. For, if a man be held stretched out on the ground against his will, with arms and legs bound down, or otherwise confined, and yet strive with all his power to get up, the struggle is not the less, although ineffectual. The real state of the case (namely, whether the yielding motion be, as it were, annihilated by the predominance, or there be rather a continued although an invisible effort) will perhaps appear in the concurrence of motions, although it escape our notice in their conflict. For instance, let an experiment be made with muskets, whether a musket ball, at its utmost range in a straight line, or, as it is commonly called, point blank, strike with less force when projected upwards, where the motion of the blow is simple, than when projected downwards, where the motion of gravity concurs with the blow.

The rules of such instances of predominance as occur, should be collected: such as the following; the more general the desired advantage is, the stronger will be the motion; the motion of connexion, for instance, which relates to the intercourse of the parts of the universe, is more powerful than that of gravity, which relates to the intercourse of dense bodies only. Again, the desire of a private good does not, in general, prevail against that of a public one, except where the quantities are small. Would that such were the case in civil matters!

49. In the twenty-fifth rank of prerogative instances, we will place *suggesting* instances; such as suggest or point out that which is advantageous to mankind; for bare power and knowledge, in themselves, exalt, rather than enrich human nature. We must, therefore, select from the general store, such things as are most useful to mankind. We shall have a better opportunity of discussing these when we treat of the application to practice; besides, in the work of interpretation, we leave room, on every subject, for the human or optative chart; for it is a part of science to make judicious inquiries and wishes.

50. In the twenty-sixth rank of prerogative instances, we will place the *generally useful* instances. They are such as relate to various points, and frequently occur, sparing, by that means, considerable labour and new trials. The proper place for treating of instances and contrivances, will be that in which we speak of the application to practice, and the methods of experiment. All that has hitherto been ascertained, and made use of, will be described in the particular history of each art. At present, we will subjoin a few general examples of the instances in question.

Man acts, then, upon natural bodies (besides merely bringing them together or removing them) by seven principal methods: 1. By the exclusion of all that impedes and disturbs; 2. By compression, extension, agitation, and the like; 3. By heat and cold; 4. By detention in a suitable place; 5. By checking or directing motion; 6. By peculiar harmonics; 7. By a seasonable and

proper alternation, series, and succession* of all these, or at least of some of them.

I. With regard to the first; common air, which is always at hand, and forces its admission, as also the rays of the heavenly bodies, create much disturbance. Whatever, therefore, tends to exclude them, may well be considered as generally useful. The substance and thickness of vessels in which bodies are placed when prepared for operations may be referred to this head. So, also, may the accurate methods of closing vessels by consolidation, or the *lutum sapientiæ*, as the chymists call it. The exclusion of air by means of liquids at the extremity, is also very useful; as, when they pour oil on wine, or the juices of herbs, which, by spreading itself upon the top, like a cover, preserves them uninjured from the air. Powders, also, are serviceable, for, although they contain air mixed up in them, yet they ward off the power of the mass of circumambient air, which is seen in the preservation of grapes, and other fruits, in sand and flour. Wax, honey, pitch, and other resinous bodies, are well used in order to make the exclusion more perfect, and to remove the air and celestial influence. We have sometimes made an experiment, by placing a vessel or other bodies in quicksilver, the most dense of all substances capable of being poured round others. Grottos and subterraneous caves are of great use in keeping off the effects of the sun, and the predatory action of air, and, in the north of Germany, are used for granaries. The depositing of bodies at the bottom of water may be also mentioned here, and I remember having heard of some bottles of wine being let down into a deep well in order to cool them, but left there by chance, carelessness, and forgetfulness, for several years, and then taken out; by which means, the wine not only escaped becoming flat or dead, but was much more excellent in flavour; arising (as it appears) from a more complete mixture of its parts. But, if the case require that bodies should be sunk to the bottom of water, as in rivers, or the sea, and yet should not touch the water, nor be enclosed in sealed vessels, but surrounded only by air, it would be right to use that vessel which has been sometimes employed under water, above ships that have sunk, in order to enable the divers to remain below and breathe occasionally by turns. It was of the following nature. A hollow tub of metal was formed, and sunk so as to have its bottom parallel with the surface of the water; it thus carried down with it to the bottom of the sea all the air contained in the tub. It stood upon three feet, (like a tripod,) being of rather less height than a man, so that when the diver was in want of breath, he could put his head into the hollow of the tub, breathe, and then continue his work. We hear that some sort of boat or vessel has now been invented, capable of carrying men some distance under water. Any bodies, however, can easily be suspended under some such vessel as we have mentioned, which has occasioned our remarks upon the experiment.

Another advantage of the careful and hermetical closing of bodies is this; not only the admission of external air is prevented, (of which we have treated,) but the spirit of bodies also is prevented from making its escape, which is an internal operation. For any one operating on natural bodies must be certain as to their quantity, and that nothing has evaporated or escaped; since profound alterations take place in bodies, when art prevents the loss or escape of any portion, whilst nature prevents their annihilation. With regard to this circumstance, a false idea has prevailed, (which, if true, would make us despair of preserving quantity without diminution,) namely, that the spirit of bodies, and air when rarefied by a great degree of heat, cannot be so kept in by being enclosed in any vessel, as not to escape by the small pores. Men are led into this idea by common experiments of a cup inverted over water, with a candle or piece of lighted paper in it, by which the water is drawn up, and of those cups which when heated draw up the flesh. For they think that in each experiment the rarefied air escapes, and that its quantity is therefore diminished, by which means the water or flesh rises by the motion of connexion. This is, however, most incorrect. For the air is not diminished in quantity, but contracted in dimensions,* nor does this motion of the rising of the water begin till the flame is extinguished, or the air cooled, so that physicians place cold sponges, moistened with water, on the cups, in order to increase their attraction. There is, therefore, no reason why men should fear much from the ready escape of air: for, although it be true that the most solid bodies have their pores, yet neither air nor spirit readily suffers itself to be rarefied to such an extreme degree; just as water will not escape by a small chink.

II. With regard to the second of the seven above mentioned methods, we must especially observe, that compression and similar violence have a most powerful effect either in producing locomotion, and other motions of the same nature, as may be observed in engines and projectiles, or in destroying the organic body and those qualities which consist entirely in motion, (for all life, and every description of flame and ignition are destroyed by compression, which also injures and deranges every machine;) or in destroying those qualities which consist in position and a coarse difference of parts, as in colours; for the

* Part of the air is expanded and escapes, and part is consumed by the flame. When condensed, therefore, by the cold application, it cannot offer sufficient resistance to the external atmosphere to prevent the liquid or flesh from being forced into the glass.

colour of a flower when whole differs from that it presents when bruised, and the same may be observed of whole and powdered amber; or in taste, for the taste of a pear before it is ripe and of the same pear when bruised and softened is different, since it becomes perceptibly more sweet. But such violence is of little avail in the more noble transformations and changes of homogeneous bodies, for they do not, by such means, acquire any constantly and permanently new state, but one that is transitory, and always struggling to return to its former habit and freedom. It would not, however, be useless to make some more diligent experiments with regard to this; whether, for instance, the condensation of a perfectly homogeneous body (such as air, water, oil, and the like) or their rarefaction, when effected by violence, can become permanent, fixed, and, as it were, so changed as to become a nature. This might at first be tried by simple perseverance, and then by means of helps and harmonies. It might readily have been attempted, (if we had but thought of it,) when we condensed water (as was mentioned above) by hammering and compression until it burst out. For we ought to have left the flattened globe untouched for some days, and then to have drawn off the water in order to try whether it would have immediately occupied the same dimensions as it did before the condensation. If it had not done so, either immediately or soon afterwards, the condensation would have appeared to have been rendered constant; if not, it would have appeared that a restitution took place, and that the condensation had been transitory. Something of the same kind might have been tried with the glass eggs; the egg should have been sealed up suddenly and firmly, after a complete exhaustion of the air, and should have been allowed to remain so for some days, and it might then have been tried whether, on opening the aperture, the air would be drawn in with a hissing noise, or whether as much water would be drawn into it when immersed, as would have been drawn into it at first, if it had not continued sealed. For it is probable (or at least worth making the experiment) that this might have happened, or might happen, because perseverance has a similar effect upon bodies which are a little less homogeneous. A stick bent together for some time does not rebound, which is not owing to any loss of quantity in the wood during the time, for the same would occur (after a larger time) in a plate of steel, which does not evaporate. If the experiment of simple perseverance should fail, the matter should not be given up, but other means should be employed. For it would be no small advantage, if bodies could be endued with fixed and constant natures by violence. Air could then be converted into water by condensation, with other similar effects; for man is more the master of violent motions than of any other means.

III. The third of our seven methods is referred to that great practical engine of nature as well as of art, cold and heat. Here man's power limps, as it were, with one leg. For we possess the heat of fire, which is infinitely more powerful and intense than that of the sun (as it reaches us) and that of animals. But we want cold,* except such as we can obtain in winter, in caverns, or by surrounding objects with snow and ice, which, perhaps, may be compared in degree with the noontide heat of the sun in tropical countries, increased by the reflection of mountains and walls. For this degree of heat and cold can be borne for a short period only by animals, yet it is nothing compared with the heat of a burning furnace, or the corresponding degree of cold.† Every thing with us has a tendency to become rarefied, dry, and wasted, and nothing to become condensed or soft, except by mixtures, and, as it were, spurious methods. Instances of cold, therefore, should be searched for most diligently, such as may be found by exposing bodies upon buildings in a hard frost, in subterraneous caverns, by surrounding bodies with snow and ice in deep places excavated for that purpose, by letting bodies down into wells, by burying bodies in quicksilver and metals, by immersing them in streams which petrify wood, by burying them in the earth, (which the Chinese are reported to do with their china, masses of which, made for that purpose, are said to remain in the ground for forty or fifty years, and to be transmitted to their heirs as a sort of artificial mine,) and the like. The condensations which take place in nature by means of cold should also be investigated, that by learning their causes they may be introduced into the arts; such as are observed in the exudation of marble and stones, in the dew upon the panes of glass in a room towards morning after a frosty night, in the formation and the gathering of vapours under the earth into water, whence spring fountains, and the like.

Besides the substances which are cold to the touch, there are others which have also the effect of cold, and condense; they appear, however, to act only upon the bodies of animals, and scarcely any further. Of these we have many instances, in medicines and plasters. Some condense the flesh and tangible parts, such as astringent and inspissating medicines, others the spirits, such as soporifics. There are two modes of condensing

* Heat can now be abstracted by a very simple process, till the degree of cold be of almost any required intensity.

† It is impossible to compare a degree of heat with a degree of cold, without the assumption of some arbitrary test, to which the degrees are to be referred. In the next sentence Bacon appears to have taken the power of animal life to support heat or cold as the test, and then the comparison can only be between the degree of heat or of cold that will produce death

The zero must be arbitrary which divides equally a certain degree of heat from a certain degree of cold.

the spirits, by soporifics or provocatives to sleep; the one by calming the motion, the other by expelling the spirit. The violet, dried roses, lettuces, and other benign or mild remedies, by their friendly and gently cooling vapours, invite the spirits to unite, and restrain their violent and perturbed motion. Rose-water, for instance, applied to the nostrils in fainting fits, causes the resolved and relaxed spirits to recover themselves, and, as it were, cherishes them. But opiates, and the like, banish the spirits by their malignant and hostile quality. If they be applied, therefore, externally, the spirits immediately quit the part, and no longer readily flow into it; but if they be taken internally, their vapour, mounting to the head, expels, in all directions, the spirits contained in the ventricles of the brain, and since these spirits retreat, but cannot escape, they consequently meet and are condensed, and are sometimes completely extinguished and suffocated; although the same opiates, when taken in moderation, by a secondary accident, (the condensation which succeeds their union,) strengthen the spirits, render them more robust, and check their useless and inflammatory motion, by which means they contribute not a little to the cure of diseases, and the prolongation of life.

The preparations of bodies, also, for the reception of cold, should not be omitted, such as that water a little warmed is more easily frozen than that which is quite cold, and the like.

Moreover, since nature supplies cold so sparingly, we must act like the apothecaries, who, when they cannot obtain any simple ingredient, take a succedaneum, or quid pro quo, as they term it, such as aloes for xylobalsamum, cassia for cinnamon. In the same manner we should look diligently about us, to ascertain whether there may be any substitutes for cold, that is to say, in what other manner condensation can be effected, which is the peculiar operation of cold. Such condensations appear hitherto to be of four kinds only. 1. By simple compression, which is of little avail towards permanent condensation, on account of the elasticity of substances, but may still however be of some assistance. 2. By the contraction of the coarser, after the escape or departure of the finer parts of a given body; as is exemplified in induration by fire, and the repeated heating and extinguishing of metals, and the like. 3. By the cohesion of the most solid homogeneous parts of a given body, which were previously separated, and mixed with others less solid, as in the return of sublimated mercury to its simple state, in which it occupies much less space than it did in powder, and the same may be observed of the cleansing of all metals from their dross. 4. By harmony or the application of substances which condense by some latent power. These harmonies are as yet but rarely observed, at which we cannot be surprised, since there is little to hope for from their investigation, unless the discovery of forms and conformation be attained. With regard to animal bodies, it is not to be questioned that there are many internal and external medicines which condense by harmony, as we have before observed, but this action is rare in inanimate bodies. Written accounts, as well as report, have certainly spoken of a tree in one of the Tercera or Canary Islands (for I do not exactly recollect which) that drips perpetually, so as to supply the inhabitants, in some degree, with water; and Paracelsus says, that the herb called ros solis is filled with dew at noon, whilst the sun gives out its greatest heat, and all other herbs around it are dry. We treat both these accounts as fables; they would, however, if true, be of the most important service, and most worthy of examination. As to the honey-dew, resembling manna, which is found in May on the leaves of the oak, we are of opinion that it is not condensed by any harmony or peculiarity of the oak leaf, but that whilst it falls equally upon other leaves, it is retained and continues on those of the oak, because their texture is closer, and not so porous as that of most of the other leaves.*

With regard to heat, man possesses abundant means and power, but his observation and inquiry are defective in some respects, and those of the greatest importance, notwithstanding the boasting of quacks. For the effects of intense heat are examined and observed, whilst those of a more gentle degree of heat, being of the most frequent occurrence in the paths of nature, are, on that very account, least known. We see, therefore, the furnaces, which are most esteemed, employed in increasing the spirits of bodies to a great extent, as in the strong acids, and some chymical oils; whilst the tangible parts are hardened, and, when the volatile part has escaped, become sometimes fixed; the homogeneous parts are separated, and the heterogeneous incorporated and agglomerated in a coarse lump; and (what is chiefly worthy of remark) the junction of compound bodies, and the more delicate conformations are destroyed and confounded. But the operation of a less violent heat should be tried and investigated, by which more delicate mixtures and regular conformations may be produced and elicited, according to the example of nature, and in imitation of the effect of the sun, which we have alluded to in the aphorism on the instances of alliance. For the works of nature are carried on in much smaller portions, and in more delicate and varied positions than those of fire, as we now employ it. But man will then appear to have really augmented his power, when the works of nature can be imitated *in specie*, perfected in power, and varied in quantity; to which should be added the acceleration in point of time. Rust, for instance, is

* It may often be observed on the leaves of the lime and other trees.

the result of a long process, but crocus Martis is obtained immediately; and the same may be observed of natural verdigris and ceruse. Crystal is formed slowly, whilst glass is blown immediately: stones increase slowly, whilst bricks are baked immediately, &c. In the mean time (with regard to our present subject) every different species of heat should, with its peculiar effects, be diligently collected and inquired into; that of the heavenly bodies, whether their rays be direct, reflected, or refracted, or condensed by a burning-glass; that of lightning, flame, and ignited charcoal; that of fire of different materials, either open or confined, straitened or overflowing, qualified by the different forms of the furnaces, excited by the bellows, or quiescent, removed to a greater or less distance, or passing through different media; moist heats, such as the balneum Mariæ, and the dunghill; the external and internal heat of animals; dry heats, such as the heat of ashes, lime, warm sand; in short, the nature of every kind of heat, and its degrees.

We should, however, particularly attend to the investigation and discovery of the effects and operations of heat, when made to approach and retire by degrees, regularly, periodically, and by proper intervals of space and time. For this systematical inequality is in truth the daughter of heaven and mother of generation, nor can any great result be expected from a vehement, precipitate, or desultory heat. For this is not only most evident in vegetables, but in the wombs of animals, also, there arises a great inequality of heat, from the motion, sleep, food, and passions of the female. The same inequality prevails in those subterraneous beds where metals and fossils are perpetually forming, which renders yet more remarkable the ignorance of some of the reformed alchymists, who imagined they could attain their object by the equable heat of lamps, or the like, burning uniformly. Let this suffice concerning the operation and effects of heat; nor is it time for us to investigate them thoroughly before the forms and conformations of bodies have been further examined and brought to light. When we have determined upon our models, we may seek, apply, and arrange our instruments.

IV. The fourth mode of action is by continuance, the very steward and almoner, as it were, of nature. We apply the term continuance to the abandonment of a body to itself for an observable time, guarded and protected in the mean while from all external force. For the internal motion then commences to betray and exert itself when the external and adventitious is removed. The effects of time, however, are far more delicate than those of fire. Wine, for instance, cannot be clarified by fire as it is by continuance. Nor are the ashes produced by combustion so fine as the particles dissolved or wasted by the lapse of ages. The incorporations and mixtures, which are hurried by fire, are very inferior to those obtained by continuance; and the various conformations assumed by bodies left to themselves, such as mouldiness, &c., are put a stop to by fire or a strong heat. It is not, in the mean time, unimportant to remark, that there is a certain degree of violence in the motion of bodies entirely confined. For the confinement impedes the proper motion of the body. Continuance in an open vessel, therefore, is useful for separations, and in one hermetically sealed for mixtures, that in a vessel partly closed, but admitting the air for putrefaction. But instances of the operation and effect of continuance must be collected diligently from every quarter.

V. The direction of motion (which is the fifth method of action) is of no small [illegible]. We adopt this term when speaking of a body, which, meeting with another, either arrests, repels, allows, or directs its original motion. This is the case principally in the figure and position of vessels. An upright cone, for instance, promotes the condensation of vapour in alembics, but, when reversed, as in inverted vessels, it assists the refining of sugar. Sometimes a curved form or one alternately contracted and dilated is required. Strainers may be ranged under this head, where the opposed body opens a way for one portion of another substance and impedes the rest. Nor is this process, or any other direction of motion, carried on externally only, but sometimes by one body within another. Thus, pebbles are thrown into water to collect the muddy particles, and syrups are refined by the white of an egg, which glues the grosser particles together so as to facilitate their removal. Telesius, indeed, rashly and ignorantly enough attributes the formation of animals to this cause, by means of the channels and folds of the womb. He ought to have observed a similar formation of the young in eggs, which have no wrinkles or inequalities. One may observe a real result of this direction of motion in casting and modelling.

VI. The effects produced by harmony and aversion (which is the sixth method) are frequently buried in obscurity. For these occult and specific properties, (as they are termed,) the sympathies and antipathies are for the most part but a corruption of philosophy. Nor can we form any great expectation of the discovery of the harmony which exists between natural objects, before that of their forms and simple conformations, for it is nothing more than the symmetry between these forms and conformations.

The greater and more universal species of harmony are not, however, so wholly obscure, and with them, therefore, we must commence. The first and principal distinction between them is this; that some bodies differ considerably in the abundance and rarity of their substance, but cor-

respond in their conformation; others, on the contrary, correspond in the former and differ in the latter. Thus the chymists have well observed, that in their trial of first principles, sulphur and mercury, as it were, pervade the universe; their reasoning about salt, however, is absurd, and merely introduced to comprise earthy, dry, fixed bodies. In the other two, indeed, one of the most universal species of natural harmony manifests itself. Thus there is a correspondence between sulphur, oil, greasy exhalations, flame, and, perhaps, the substance of the stars. On the other hand, there is a like correspondence between mercury, water, aqueous vapour, air, and, perhaps, pure intersidereal ether. Yet do these two quaternions, or great natural tribes (each within its own limits) differ immensely in quantity and density of substance, whilst they generally agree in conformation, as is manifest in many instances. On the other hand, the metals agree in such quantity and density, (especially when compared with vegetables, &c.,) but differ in many respects in conformation. Animals and vegetables, in like manner, vary in their almost infinite modes of conformation, but range within very limited degrees of quantity and density of substance.

The next most general correspondence is that between individual bodies and those which supply them by way of menstruum or support. Inquiry, therefore, must be made as to the climate, soil, and depth at which each metal is generated, and the same of gems, whether produced in rocks or mines; also as to the soil in which particular trees, shrubs, and herbs mostly grow and, as it were, delight; and as to the best species of manure, whether dung, chalk, sea-sand, or ashes, &c., and their different propriety and advantage according to the variety of soils. So also the grafting and setting of trees and plants (as regards the readiness of grafting one particular species on another) depends very much upon harmony, and it would be amusing to try an experiment I have lately heard of, in grafting forest trees, (garden trees alone having hitherto been adopted,) by which means the leaves and fruit are enlarged, and the trees produce more shade. The specific food of animals again should be observed, as well as that which cannot be used. Thus the carnivorous cannot be fed on herbs, for which reason the order of Feuilletans, the experiment having been made, has nearly vanished; human nature being incapable of supporting their regimen, although the human will has more power over the bodily frame than that of other animals. The different kinds of putrefaction from which animals are generated should be noted.

The harmony of principal bodies with those subordinate to them (such indeed may be deemed those we have alluded to above) are sufficiently manifest, to which may be added those that exist between different bodies and their objects, and, since these latter are more apparent, they may throw great light, when well observed and diligently examined, upon those which are more latent.

The more eternal harmony and aversion, or friendship and enmity, (for superstition and folly have rendered the terms of sympathy and antipathy almost disgusting,) have been either falsely assigned, or mixed with fable, or most rarely discovered from neglect. For if one were to allege that there is an enmity between the vine and the cabbage, because they will not come up well when sown together, there is a sufficient reason for it in the succulent and absorbent nature of each plant, so that the one defrauds the other. Again, if one were to say that there is a harmony and friendship between the corn and the corn-flower, or the wild poppy, because the latter seldom grow anywhere but in cultivated soils, he ought rather to say there is an enmity between them, for the poppy and the corn-flower are produced and created by those juices which the corn has left and rejected, so that the sowing of the corn prepares the ground for their production. And there are a vast number of similar false assertions. As for fables, they must be totally exterminated. There remains then but a scanty supply of such species of harmony as has borne the test of experiment, such as that between the magnet and iron, gold and quicksilver, and the like. In chymical experiments on metals, however, there are some others worthy of notice, but the greatest abundance (where the whole are so few in number) is discovered in certain medicines, which, from their occult and specific qualities, (as they are termed,) affect particular limbs, humours, diseases, or constitutions. Nor should we omit the harmony between the motion and phenomena of the moon, and their effects on lower bodies, which may be brought together by an accurate and honest selection from the experiments of agriculture, navigation, and medicine, or of other sciences. By as much as these general instances, however, of more latent harmony are rare, with so much the more diligence are they to be inquired after, through tradition and faithful and honest reports, but without rashness and credulity, with an anxious and, as it were, hesitating degree of reliance. There remains one species of harmony which, though simple in its mode of action, is yet most valuable in its use, and must by no means be omitted, but rather diligently investigated. It is the ready or difficult coition or union of bodies in composition or simple juxtaposition. For some bodies readily and willingly mix and are incorporated, others tardily and perversely; thus powders mix best with water, chalk and ashes with oils, and the like. Nor are these instances of readiness and aversion to mixture to be alone collected, but others also of the collocation, distribution, and digestion of the parts when

mingled, and the predominance after the mixture is complete.

VII. Lastly, there remains the seventh and last of the seven modes of action; namely, that by the alteration and interchange of the other six; but of this it will not be the right time to offer any examples until some deeper investigation shall have taken place of each of the others. The series, or chain of this alternation, in its mode of application to separate effects, is no less powerful in its operation than difficult to be traced. But men are possessed with the most extreme impatience, both of such inquiries and their practical application, although it be the clue of the labyrinth in all greater works. Thus far of the generally useful instances.

51. The twenty-seventh and last place we will assign to the *magical* instances, a term which we apply to those where the matter, or efficient agent, is scanty or small, in comparison with the grandeur of the work or effect produced; so that, even when common, they appear miraculous, some at first sight, others even upon more attentive observation. Nature, however, of herself, supplies these but sparingly. What she will do when her whole store is thrown open, and after the discovery of forms, processes, and conformation, will appear hereafter. As far as we can yet conjecture, these magic effects are produced in three ways, either by self-multiplication, as in fire, and the poisons termed specific, and the motions transferred and multiplied from wheel to wheel; or by the excitement, or, as it were, invitation of another substance, as in the magnet, which excites innumerable needles without losing or diminishing its power, and, again, in leaven, and the like; or, by the excess of rapidity of one species of motion over another, as has been observed in the case of gunpowder, cannon, and mines. The two former require an investigation of harmonies, the latter of a measure of motion. Whether there be any mode of changing bodies per minima, (as it is termed,) and transferring the delicate conformations of matter, which is of importance in all transformations of bodies, so as to enable art to effect, in a short time, that which nature works out by divers expedients, is a point of which we have as yet no indication. But, as we aspire to the extremest and highest results in that which is solid and true, so do we ever detest, and, as far as in us lies, expel all that is empty and vain.

52. Let this suffice as to the respective dignity or prerogatives of instances. But it must be noted, that, in this our organ, we treat of logic, and not of philosophy. Seeing, however, that our logic instructs and informs the understanding, in order that it may not, with the small hooks, as it were, of the mind, catch at and grasp mere abstractions, but rather actually penetrate nature, and discover the properties and effects of bodies, and the determinate laws of their substance, (so that this science of ours springs from the nature of things, as well as from that of the mind;) it is not to be wondered at, if it have been continually interspersed and illustrated with natural observations and experiments, as instances of our method The prerogative instances are, as appears from what has preceded, twenty-seven in number, and are termed, solitary instances, migrating instances, conspicuous instances, clandestine instances, constitutive instances, similar instances, singular instances, deviating instances, bordering instances, instances of power, accompanying and hostile instances, subjunctive instances, instances of alliance, instances of the cross, instances of divorce, instances of the gate, citing instances, instances of the road, supplementary instances, lancing instances, instances of the rod, instances of the course, doses of nature, wrestling instances, suggesting instances, generally useful instances, and magical instances. The advantage, by which these instances excel the more ordinary, regards specifically either theory or practice, or both. With regard to theory, they assist either the senses or the understanding; the senses, as in the five instances of the lamp; the understanding, either by expediting the exclusive mode of arriving at the form, as in solitary instances, or by confining and more immediately indicating the affirmative, as in the migrating, conspicuous, accompanying, and subjunctive instances; or, by elevating the understanding, and leading it to general and common natures, and that either immediately, as in the clandestine and singular instances, and those of alliance; or, very nearly so, as in the constitutive; or, still less so, as in the similar instances; or, by correcting the understanding of its habits, as in the deviating instances; or, by leading to the grand form or fabric of the universe, as in the bordering instances; or, by guarding it from false forms and causes, as in those of the cross and of divorce. With regard to practice, they either point it out, or measure, or elevate it. They point it out, either by showing where we must commence, in order not to repeat the labours of others, as in the instances of power; or, by inducing us to aspire to that which may be possible, as in the suggesting instances: the four mathematical instances measure it. The generally useful and the magical elevate it.

Again, out of these twenty-seven instances, some must be collected immediately, without waiting for a particular investigation of properties. Such are the similar, singular, deviating, and bordering instances, those of power, and of the gate, and suggesting, generally useful, and magical instances. For these either assist and cure the understanding and senses, or furnish our general practice. The remainder are to be collected when we finish our synoptical tables for the work

of the interpreter, upon any particular nature. For these instances, honoured and gifted with such prerogatives, are like the soul amid the vulgar crowd of instances, and (as we from the first observed) a few of them are worth a multitude of the others. When, therefore, we are forming our tables, they must be searched out with the greatest zeal, and placed in the table. And, mention must be made of them in what follows, a treatise upon their nature has necessarily been prefixed. We must next, however, proceed to the supports and corrections of induction, and thence to concretes, the latent process, and latent conformations, and the other matters, which we have enumerated in their order in the twenty-first aphorism, in order that, like good and faithful guardians, we may yield up their fortune to mankind, upon the emancipation and majority of their understanding; from which must necessarily follow an improvement of their estate, and an increase of their power over nature. For, man, by the fall, lost at once his state of innocence and his empire over creation, both of which can be partially recovered, even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse; but in consequence of the divine decree, "In the sweat of thy brow shalt thou eat bread," she is compelled by our labours, (not assuredly by our disputes or magical ceremonies,) at length, to afford mankind, in some degree, his bread, that is to say, to supply man's daily wants.

END OF NOVUM ORGANUM.

PREPARATION

FOR A

NATURAL AND EXPERIMENTAL HISTORY.

A DESCRIPTION

OF

SUCH A NATURAL AND EXPERIMENTAL HISTORY AS SHALL BE SUFFICIENT AND SUITABLY ARRANGED FOR FORMING THE BASIS AND FOUNDATION OF A TRUE PHILOSOPHY.

Our motive for publishing our Instauration in parts, was that we might make sure of something. A similar reason induces us to subjoin, even now, another small portion of the work, and to publish it with that which has been completed above. It is a description and delineation of such a natural and experimental history as should be arranged for the completing our philosophy, and should comprehend genuine and copious materials, properly adapted to the work of the interpreter who is next to make his appearance. The proper place for this would have been that where we treat of *preparations* in the regular course of our inquiry. Yet does it appear better to anticipate, rather than wait for this proper place, since the history which we design, and will presently describe, is a matter of great magnitude, and not to be effected without vast labour and expense, requiring the combined assistance of many, and being, (to use our former expression,) as it were, a royal work. It occurred, therefore, that it might be worth while to see if any others would undertake it, so that whilst we orderly pursue our design, this complicated and laborious portion of it may, by the joint application of others, be set in order and prepared even in our lifetime, should it so please God; especially, since our own unassisted strength appears scarcely adequate to so great a sphere. For we may, perhaps, by our own power, overcome all that is the actual work of the understanding, but the materials on which it is to work, are so scattered, that they should be sought after and imported from all quarters by factors and merchants. We consider it, moreover, as scarcely worthy of our undertaking ourselves to waste time in that which is open to the industry of almost all. We will, however, perform the principal part, that of laying down, with diligence and accuracy, a model and sketch of such a history as will satisfy our intention, lest, for want of caution, others should waste their time, and direct their efforts by the example of such natural histories as are now in use, thus wandering far from our proposal. In the mean time, that which we have often said must here be specially repeated, namely, that if all the talents of every age had concurred, or shall hereafter concur, if the whole human race had applied, or shall apply itself to philosophy, and the whole globe had consisted, or shall consist of academies, and colleges, and schools of the learned, yet, without such a natural and experimental history as we shall now recommend, it were impossible that any progress worthy of mankind should have been, or should hereafter be made in philosophy and the sciences. But, on the other hand, when it has once been prepared and drawn up, with the addition of such auxiliary and instructive experiments as will occur or be searched out, in the course of interpretation, the investigation of nature and of all the sciences will be a work many years. This, therefore, must be done, or the whole work must be abandoned, for by this method only can the foundation be laid of a genuine and active philosophy; and men will at once perceive, as if roused from a profound sleep, what a difference exists between the dogmatism and fictions of man's wit, and a genuine and active philosophy, and what it is to consult nature herself about nature.

In the first place, then, we will give general precepts as to completing such a history, and will then set a particular species of it before men's eyes, alluding occasionally to the end to which the inquiry must be adapted and referred, as well as to the subject-matter of investigation itself; in order that, the intention being well understood and known beforehand, it may suggest other points that may have escaped us. To this history we are wont to give the name of First, or Mother History.

APHORISMS

ON THE FORMATION OF THE FIRST HISTORY.

APHORISMS.

I. NATURE is placed in three situations, and subject to a threefold government. For she is either free, and left to unfold herself in a regular course, or she is driven from her position by the obstinacy and resistance of matter, and the violence of obstacles, or she is constrained and moulded by human art and labour. The first state applies to the specific nature of bodies; the second to monsters; the third to artificial productions, in which she submits to the yoke imposed on her by man, for without the hand of man they would not have been produced. But from the labour and contrivance of man an entirely new appearance of bodies takes its rise, forming as it were, another universe or theatre. Natural history, then, is threefold, and treats either of the liberty, the wanderings, or the fetters of nature: so that we may aptly divide it into the histories of generation, pretergeneration, and arts; the latter of which divisions we are also wont to call mechanic or experimental. Yet would we not direct these three to be carried on separately, for why should not the history of monstrosities in every species be combined with that of the species itself? So, also, artificial subjects may sometimes properly enough be treated of together with certain natural species, though, at other times, it is better to separate them. Circumstances, therefore, must guide us, for too rigid a method admits of repetitions and prolixity as much as no method.

II. Natural history being, as we have observed, threefold relative to its subject, is twofold in its application. For it is employed either as a means of arriving at the knowledge of the matters themselves which are consigned to it, or as the elementary material for philosophy, and as the stock or forest, as it were, from which to furnish forth genuine induction. The latter is its present application; its present one, I observe, for it was never before so applied. For neither Aristotle, nor Theophrastus, nor Dioscorides, nor Pliny, nor much less the moderns, ever proposed this as the object of natural history. And the principal point to be attended to is this, that those who shall henceforth take charge of natural history, do perpetually reflect, and impress upon their minds, that they ought not to be subservient to the pleasure or even benefit which may, at this present time, be derived from their narrative, but that they must collect and prepare such and so varied a supply of things, as may be sufficient for the forming of genuine axioms. If they thus reflect, they will themselves lay down their own method for such a history, for the end governs the means.

III. But by as much as this is a matter requiring great pains and labour, by so much the less should it be unnecessarily burdened. There are three points, then, upon which men should be warned to employ but scanty labour, inasmuch as they infinitely increase the bulk of the work, and add but little or nothing to its value.

First, then, let them dismiss antiquity and quotations, or the suffrages of authors, all disputes, controversies, and discordant opinions, and, lastly, all philological disquisitions. Let no author be quoted except on doubtful points, nor controversies entered into except on matter of great importance; and as for the ornaments of language, and comparisons, and the whole treasury of eloquence, and the like puerilities, let them be wholly renounced. Nay, let all which is admitted be propounded briefly and concisely, so as to be nothing less than words. For no one, who is preparing and laying by materials, for building houses or ships, or the like, takes the trouble, as they would in shops, of arranging them elegantly and showing them off to advantage, but rather attends only to their being strong and good, and to their taking up as little room as possible in his warehouse. Let the like be done here.

Secondly, There is not much real use in the lavish abundance of descriptions, painted representations of species, and collections of their varieties with which natural history is adorned. These trifling varieties are the mere sport and wantonness of nature, and approximate to merely individual characteristics, affording a pleasant digression, but a mean and superfluous sort of information as regards science.

Thirdly, We must reject all superstitious narratives, (I do not say prodigious, where faithful and probable accounts can be obtained, but superstitious,) together with the experiments of natural magic. For we would not accustom philosophy in her infancy, whose very nurse is natural history, to old wives' tales. A time may come (after a deeper investigation of nature) when such

matters may be lightly touched upon, so as to extract and lay up for use such natural knowledge as may lurk in their dregs, but till then they are to be put aside. In like manner, the experiments of natural magic are to be diligently and rigidly sifted before their adoption, especially those which are wont to be derived from vulgar sympathies and antipathies, owing to the indolence and credulity of both believers and inventors.

It is no slight matter to have thus relieved natural history of these three vanities, which might otherwise have hereafter filled volumes. Nor is this all; for it is as essential to a great work, that that which is admitted be briefly described, as that the superfluous should be rejected, although it must be obvious that this chastened and precise style must afford less pleasure, both to the reader and to the author. But it is ever to be repeated, that the object is to prepare a mere granary and ware house, in which no one is to loiter or dwell for amusement, but only to visit as occasion may require, when any thing is wanted for the work of the interpreter, which follows next in order.

IV. One thing, above all others, is requisite for the history we design; namely, that it be most extensive, and adapted to the extent of the universe. For the world is not to be narrowed down to the measure of the understanding, (as has hitherto been done,) but the understanding is to be expanded, and opened for the admission of the actual representation of the world as it is. The maxim of examining little and pronouncing on that little has ruined every thing. Resuming then our late partition of natural history, into that of generation, pretergeneration, and the arts, we divide the first into five parts: 1. The history of the sky and heavenly bodies. 2. Of meteors and the regions (as they are termed) of the air, that is to say, its division from the moon to the earth's surface, to which division we assign every kind of comet, either superior or inferior, (however the actual fact may be,) for the sake of method. 3. The history of the earth and sea. 4. Of the elements, as they are called, flame or fire, air, water, and earth; considering them, however, under that name, not as the first principles of things, but as forming the larger masses of natural bodies. For natural objects are so distributed, that the quantity or mass of certain bodies throughout the universe is very great, owing to the easy and obvious material texture required for their conformation, whilst the quantity of others is but small and sparingly supplied, the material, being of a diversified and subtile nature, having many specific qualities, and being of an organized construction, such as the different species of natural objects, namely, [illegible]s, plants, and animals. We are wont, therefore, to call the former greater colleges, and the latter lesser colleges. The fourth part of our history, then, is of the former, under the name of elements. Nor is there any confusion between this and the second or third parts, although we have spoken of air, water, and earth in each. For in the second and third they are spoken of as integral parts of the world, and in relation to the creation and configuration of the universe; but in the fourth is contained the history of their own substance and nature, as displayed in the homogeneous parts of each, and not referred to the whole. Lastly, the fifth part of natural history contains the lesser colleges or species, upon which alone natural history has hitherto been chiefly occupied.

As to the history of pretergeneration, we have already observed that it may, with the greatest convenience, be combined with that of generation, including that which is prodigious only, not natural. For we reserve the superstitious history of miracles (such as it may be) for a separate treatise, nor is it to be undertaken immediately, but rather later, when more way shall have been made in the investigation of nature.

We divide the history of the arts, and of nature's course diverted and changed by man, or experimental history, into three parts. For it is derived either, 1. From the mechanical arts; or, 2. From the practical part of the liberal sciences; or, 3. From various practical applications and experiments, which have not yet been classed as a peculiar art, nay, sometimes occur in every day's experience and require no such art. If, then, a history be completed of all these which we have mentioned, namely, generation, pretergeneration, the arts and experiments, nothing appears omitted for preparing the senses to inform the understanding, and we shall no longer dance, as it were, within the narrow circles of the enchanter, but extend our march round the confines of the world itself.

V. Of those parts into which we have divided natural history, that of the arts is the most useful, since it exhibits bodies in motion, and leads more directly to practice. Besides this, it lifts the mask and veil, as it were, from natural objects, which are generally concealed or obscured under a diversity of forms and external appearance. Again, the attacks of art are assuredly the very fetters and miracles of Proteus, which betray the last struggle and efforts of nature. For bodies resist destruction or annihilation, and rather transform themselves into various shapes. The greatest diligence, therefore, is to be bestowed upon this history, however mechanical and illiberal it may appear, laying aside all fastidious arrogance.

Again, amongst the arts those are preferable which control, alter, and prepare natural bodies, and the materials of objects, such as agriculture, cookery, chymistry, dyeing, manufactures of glass, enamel, sugar, gunpowder, fireworks, paper, and the like. There is less use to be derived from those which chiefly consist in a delicate motion of the hands, or of tools, such as

weaving, carpentry, architecture, mill and clock-work, and the like; although the latter are by no means to be neglected, both on account of their frequently presenting circumstances tending to the alteration of natural bodies, and also on account of the accurate information they afford of translatitious motion, a point of the greatest importance in many inquiries.

One thing, however, is to be observed and well remembered in this whole collection of arts, namely, to admit not only those experiments which conduce to the direct object of the art, but also those which indirectly occur. For instance, the changing of the lobster or a crab when cooked from a dark to a red colour has nothing to do with cookery, yet this instance is not a bad one in investigating the nature of redness, since the same thing occurs in baked bricks. So, again, the circumstance of meat requiring less time for salting in winter than in summer, is not only useful information to the cook for preparing his meat, but is also a good instance to point out the nature and effect of cold. He therefore will be wonderfully mistaken, who shall think that he has satisfied our object when he has collected these experiments of the arts for the sole purpose of improving each art in particular. For, although we do not by any means despise even this, yet our firm intention is to cause the streams of every species of mechanical experiment to flow from all quarters into the ocean of philosophy. The choice of the most important instances in each (such as should be most abundantly and diligently searched and, as it were, hunted out) must be governed by the prerogative instances.

VI. We must here allude to that which we have treated more at length in the ninety-ninth, one hundred and nineteenth, and one hundred and twentieth aphorisms of the first book, and need now only briefly urge as a precept, namely, that there be admitted into this history, 1. The most common matters, such as one might think it superfluous to insert from their being so well known; 2. Base, illiberal, and filthy matters, (for to the pure every thing is pure, and if money derived from urine be of good odour, much more so is knowledge and information from any quarter,) and also those which are trifling and puerile; lastly, such matters as appear too minute, as being of themselves of no use. For (as has been observed) the subjects to be treated of in this history are not compiled on their own account, nor ought their worth, therefore, to be measured by their intrinsic value, but by their application to other points, and their influence on philosophy.

VII. We moreover recommend that all natural bodies and qualities be, as far as possible, reduced to number, weight, measure, and precise definition; for we are planning actual results and not mere theory; and it is a proper combination of physics and mathematics that generates practice. The exact return and distances of the planets, therefore, in the history of the heavens, the circumference of the earth, and the extent of its surface compared with that of water, in the history of the earth and sea, the quantity of compression which the air will suffer without any powerful resistance, in the history of air, the quantity by which one metal exceeds another in weight, in that of metals, and a number of like points are to be thoroughly investigated and detailed. When, however, the exact proportions cannot be obtained, recourse must be had to those which are estimated or comparative. Thus, if we distrust the calculations of astronomers as to distances, it may be stated that the moon is within the shadow of the earth, and Mercury above the moon, &c. If mean proportions cannot be had, let extremes be taken, as that the feeblest magnet can raise iron of such a weight compared with its own, and the most powerful sixty times as much as its own weight, which I have myself observed in a very small armed magnet. For we know very well that determinate instances do not readily or often occur, but must be sought after as auxiliary, when chiefly wanted, in the very course of interpretation. If, however, they casually occur, they should be inserted in natural history, provided they do not too much retard its progress.

VIII. With regard to the credit due to the matters admitted into our history, they must either be certain, doubtful, or absolutely false. The first are to be simply stated, the second to be noted with "a report states," or, "they say," or, "I have heard from a person worthy of credit," and the like. For it would be too laborious to enter into the arguments on both sides, and would too much retard the author, nor is it of much consequence towards our present object, since (as we have observed in the hundred and eighteenth aphorism of the first book) the correctness of the axioms will soon discover the errors of experiment, unless they be very general. If, however, there be any instance of greater importance than the rest, either from its use, or the consequences dependent upon it, then the author should certainly be named, and not barely named, but some notice should be taken as to whether he merely heard or copied it, (as is generally the case with Pliny,) or rather affirmed it of his own knowledge, and, also, whether it were a matter within his own time or before it, or whether such as, if true, must necessarily have been witnessed by many; or, lastly, whether the author were vain and trifling, or steady and accurate, and the like points, which give weight to testimony. Lastly, those matters which are false, and yet have been much repeated and discussed, such as have gained ground by the lapse of ages, partly owing to neglect, partly to their being used as poetical comparisons; for instance, that the diamond

overpowers the magnet, that garlic enervates, that amber attracts every thing but the herb basil, &c. &c., all these ought not to be silently rejected, but expressly proscribed, that they may never trouble science more.

It will not, however, be improper to notice the origin of any fable or absurdity, if it should be traced in the course of inquiry, such as the venereal qualities attributed to the herb satyrium, from its roots bearing some resemblance to the testicles. The real cause of this formation being the growth of a fresh bulbous root every year, which adheres to that of the preceding year, and produces the twin roots, and is proved by the firm, juicy appearance which the new root always presents, whilst the old one is withered and spongy. This last circumstance renders it a matter not worthy of much wonder, that the one root should always sink and the other swim, though this, too, has been considered marvellous,and has added weight to the reputed virtues of the plant.

IX. There now remain certain useful accessories to natural history, for the purpose of bending and adapting it more readily to the labour of the interpreter which is to follow. They are five in number.

In the first place, queries are to be subjoined, (not of causes, but of facts,) in order to challenge and court further inquiry. As, for instance, in the history of the earth and sea, whether the Caspian has any tide, and the period of it? whether there is any southern continent, or only islands? and the like.

Secondly, in relating any new and delicate experiment, the method adopted in making it should be added, in order to allow free scope to the reader's judgment upon the soundness or fallacy of the information derived from it, and also to spur on men's industry in searching for more accurate methods, if such there be.

Thirdly, if there be any particle of doubt or hesitation as to the matter related, we would by no means have it suppressed or passed over, but it should be plainly and clearly set out, by way of note or warning. For we would have our first history written with the most religious particularity, and as though upon oath as to the truth of every syllable, for it is a volume of God's Works, and (as far as the majesty of things divine can brook comparison with the lowliness of earthly objects) is, as it were, a second Scripture.

Fourthly, it will be proper to intersperse some observations, as Pliny has done. Thus, in the history of the earth and sea, we may observe, that the figure of the earth, as far as it is known to us, when compared with the [illegible] the sea, is narrow and pointed towards the [illegible], broad and expanded towards the north, the contrary to that of the sea: and that vast oceans divide the continents, with channels extended from north to south, not from east to west, except, perhaps, near the poles. Canons, also, (which are only general and universal observations,) are very properly introduced; as in the history of the heavens, that Venus is never more than forty-six degrees distant from the sun, nor Mercury more than twenty-three; and that the planets, which are placed above the sun, move most slowly when farthest from the earth, those beneath the sun most quickly. Another kind of observation is to be adopted, which has not hitherto been introduced, although of no small importance; namely, that to a list of things which exist, should be subjoined one of those which do not exist, as, in the history of the heavens, that no oblong or triangular star has been discovered, but all are globular, either simply, as the moon, or angular to the sight, but globular in the centre, as the other stars; or bearded to the sight, and globular in the centre, as the sun: or, that the stars are not arranged in any order, that there is no quincunx, square, or other perfect figure, (notwithstanding the names of the delta, crown, cross, wain, &c.,) scarcely in a right line, excepting, perhaps, the belt and sword of Orion.

Fifthly, it will, perhaps, assist the inquirer, though pernicious and destructive to the believer, to review all received opinions, their varieties and sects, briefly and currently as he proceeds, just to waken the intellect, and nothing further.

X. These will form a sufficient store of general precepts; and if they be diligently adhered to, the labour of this our history will both be directed immediately to its object and confined within proper limits. But if, even thus circumscribed and limited, it may, perhaps, appear vast to the feeble-minded, let him cast his eyes upon our libraries, and observe the codes of civil and canon law on the one hand, and the commentaries of doctors and practitioners on the other, and see what difference there is in the bulk and number of volumes. For we, who as faithful scribes do but receive and copy the very laws of nature, not only can, but must by necessity be brief: but opinions, dogmatisms, and theory, are innumerable and endless.

In the distribution of our work we made mention of the cardinal virtues of nature, and observed that a history of them must be completed before we come to the work of interpretation. This we have by no means forgotten, but we reserve it to ourselves, not daring to augur much from the industry of others in the attempt, until men have begun to be a little more acquainted with nature. We next proceed, therefore, to the designation of particular histories.

Pressed, however, by business, we have only leisure sufficient to subjoin a catalogue of particular histories, arranged under their proper heads As soon as time permits, it is our intention to instruct, as it were, by interrogation in each, namely, as to the points to be investigated and

committed to writing in every history, on account of their conducing to the end in view, and forming particular topics; or rather, (to borrow a metaphor from the civilians,) in this great action or cause, which has been conceded and instituted by special favour and divine providence, and by which mankind are contending for the recovery of their dominion over nature, let us examine nature and the arts themselves upon interrogatives.

A CATALOGUE

OF

PARTICULAR HISTORIES,

ARRANGED UNDER HEADS.

---

1. A History of the Heavenly bodies; or, an Astronomical History.
2. A History of the Configuration of Heaven and its Parts as it lies towards the Earth and its Parts; or, a Cosmographical History.
3. A History of Comets.
4. A History of Igneous Meteors.
5. A History of Thunderbolts, Flashes of Lightning, Thunders, and Coruscations.
6. A History of Winds, Sudden Blasts, and Undulations of the Air.
7. A History of Rainbows.
8. A History of Clouds as they are seen in the Air above.
9. A History of the Azure Expanse, of Twilight, of two or more Suns or Moons visible at once, of Halos, of the different Colours of the Sun and Moon, and of all that diversity of the Heavenly Bodies to the eye which results from the medium of vision.
10. A History of Rains, common, tempestuous, and extraordinary; also of Cataracts of Heaven, as they are called, and the like.
11. A History of Hail, Snow, Ice, Hoar-frost, Fog, Dew, and the like.
12. A History of all other Substances which fall or are precipitated from on high, and are generated in upper Air.
13. A History of Noises heard on high, if there be any, besides Thunder.
14. A History of the Air as a whole, or relatively to the Structure of the World.
15. A History of Weathers or of the State of Temperature throughout the Year, with reference to variety of clime, and the Accidents of particular Seasons and the periods of the Year; of Floods, Heats, Droughts, and the like.
16. A History of the Earth and Sea, of their Figure and Outline, their Configuration relatively to one another, the manner in which they stretch into one another in broad Tracts or narrow Indentations, the History of the Islands in the Sea, of the Bays of the Sea, of salt inland Lakes, of Isthmuses, and Promontories.
17. The History of the Motions, if there be such, of the Globe of Earth and Sea, and from what Experiments they may be inferred.
18. The History of the greater Motions and Agitations of the Earth and Sea, that is, of Earthquakes, Tremblings of the Earth, and Chasms; of new Islands, of floating Islands, of Divulsions of the parts of the Land by inroads of the Sea, of its Encroachments and Influxes, and, on the other hand, its Recessions; of the Eruption of Fires from the Earth, of sudden Eruptions of Water from the Earth, and the like.
19. A Geographical Natural History, of Mountains, Valleys, Woods, Plains, Sands, Marshes, Lakes, Rivers, Torrents, Fountains, and all their diversities of irrigation, and the like; Leaving out of view Nations, Provinces, Cities, and other parts of Civil Society.
20. A History of the Ebbs and Flows of the Sea, of Undulations, and other Motions of the Sea.
21. A History of the other Accidents of the Sea, its Saltness, diversity of Colours, Depth, of Submarine Rocks, Mountains, and Valleys, and the like.

The following are Histories of the larger Masses in Nature.

22. A History of Flame and Ignited Bodies.
23. A History of the Air in its Substance, not its Configuration.

24. A History of Water in its Substance, not its Configuration.
25. A History of the Earth, and its Varieties in its Substance, not its Configuration.

The following are Histories of Species.

26. A History of the perfect Metals, of Gold, Silver; of Mines, Veins, and Marcasites of the same, also the chymical Actions of Minerals in their natural state.
27. The History of Quicksilver.
28. A History of Fossils; as vitriol, sulphur, &c.
29. A History of Gems; as the diamond, ruby, &c.
30. A History of Stones; as marble, gold-touchstone, flint, &c.
31. A History of the Magnet.
32. A History of Miscellaneous Substances, which are neither wholly fossil nor vegetable; as salts, amber, ambergris, &c.
33. A Chymical History, regarding Metals and Minerals.
34. A History of Plants, Trees, Fruits, Grapes, and their parts, the Roots, Stalks, Wood, Leaves, Flowers, Fruits, Seeds, Tears, or Exudations, &c.
35. A Chymical History, regarding Vegetables.
36. A History of Fishes, and their Parts and Generation.
37. A History of Volant Creatures, their Parts and Generation.
38. A History of Quadrupeds, their Parts and Generation.
39. A History of Reptiles, Worms, Flies, and other Insects, and of their Parts and Generation.
40. A Chymical History of those Substances which are extracted from Animals.

The following are Histories of Man.

41. A History of the Figure and external Members of Man; his Stature, the Knitting of his Frame, his Countenance and Features; and the varieties of these, according to nation and climate, or any minute diversities.
42. A History of Physiognomy, derived from the former.
43. A History Anatomical, or of the Internal Members of Man, and their Variety, so far as it is found in the Natural Cohesion and Structure of the Parts, and not merely with reference to Diseases and preternatural Accidents.
44. A History of the Homogeneous Parts of Man; as of flesh, bones, membranes, &c.
45. A History of the Humours in Man; as blood, bile, semen, &c.
46. A History of Excrements, Spittle, Urine, Sweats, Fæces, the Hair of the Head, and Hair generally, Nails, and the like.
47. The History of the Faculties of Attraction, Digestion, Retention, Expulsion; the Formation of the Blood; the Assimilation of Nourishment to the Frame, the Conversion of the Blood and the Flower of it into Spirits, &c.
48. A History of Natural and Involuntary Motions; as the motions of the heart, the motions of the pulse, sneezing, the motions of the lungs, priapism.
49. A History of Motion of a mixed nature, between natural and voluntary; respiration, coughing, making water, stool, &c.
50. A History of Voluntary Motions; as of the organs of articulation or speaking, the motions of the eyes, tongue, jaws, hands, fingers, of swallowing, &c.
51. A History of Sleep and Dreams.
52. A History of different Habits of Body, of fat and lean, of complexions, (as they are called,) &c.
53. A History of the Generation of Man.
54. A History of Conception, Quickening, Gestation in Utero, Birth, &c.
55. A History of the Nourishment of Man, of all Esculents and Potables, and of all Diet, and its Varieties, according to nations, or minor differences.
56. A History of the Augmentation and Growth of the Body, in the whole, or in its parts.
57. A History of the Course of life: of Infancy, Boyhood, Manhood, Old Age; of Longevity, Shortness of Life, and the like, according to nations, or minor differences.
58. A History of Life and Death.
59. A Medical History of Diseases; their symptoms and signs.
60. A Medical History of the Cure, Remedies of, and Liberations from Diseases.
61. A Medical History of those Things which preserve the Body and Health.
62. A Medical History of those Things which belong to the Form and Beauty of the Body, &c.
63. A Medical History of those Things which alter the Body, and belong to Alterative Regimen.
64. A History of Drugs.
65. A Chirurgical History.
66. A Chymical History, with Re erence to Medicines.
67. A History of Light and Visible Objects, or optical.
68. A History of Painting, Sculpture, Casts, &c.
69. A History of Hearing and Sounds.
70. A History of Music.
71. A History of Smell and Odours.
72. A History of Taste and Savours
73. A History of Touch, and its Objects.
74. A History of Venery, as a Species of Touch.
75. A History of Bodily Pains, as a Species of Touch.
76. A History of Pleasure and Pain in general.
77. A History of the Passions; as anger, love shame, &c.

78. A History of the Intellectual Faculties; the Cogitative Faculty, Fancy, Reason, Memory, &c.
79. A History of Natural Divination.
80. A History of Discernments; or, Discriminations of Occult Qualities.
81. A History of Cookery, and the Arts subservient to it; of the Shambles, of Aviaries, &c.
82. A History of Baking, and the Preparation of Bread, and the subservient Arts, as grinding meal.
83. A History of Wines.
84. A History of the Cellar, and different Kinds of Drinks.
85. A History of Sweetmeats and Confections.
86. A History of Honey.
87. A History of Sugar.
88. A History of Milkmeats.
89. A History of the Bath of Unguents.
90. A Miscellaneous History of the Care of the Person; Shaving, Perfuming, &c.
91. A History of Working in Gold, and the Arts subservient to it.
92. A History of the Preparation of Wool, and the Arts subservient to it.
93. A History of Manufactures of Silk and Satin, and the Arts subservient to them.
94. A History of Manufactures of Linen, Canvass, Cotton, Hair, and other thready Substances, and of the Arts subservient to them.
95. A History of the Preparation of Feathers.
96. A History of Weaving, and the Arts subservient to it.
97. A History of Dyeing.
98. A History of Leather and Tanning, and the Arts subservient to it.
99. A History of Mattrasses and Feather Beds.
100. A History of Working in Iron.
101. A History of the Lapidary Art; or of Stone-cutting.
102. A History of Bricks and Tiles.
103. A History of Pottery.
104. A History of Cements and Incrustations.
105. A History of Working in Wood.
106. A History of Lead.
107. A History of Glass and all Vitreous Substances, and of the Manufacture of Glass.
108. A History of Architecture in general.
109. A History of Wagons, Cars, Litters, &c.
110. A Typographical History of Books, Writings, Seals, Ink, Pens, Paper, Parchment, &c.
111. A History of Wax.
112. A History of Osiers.
113. A History of Carpeting, and Manufactures of Straw, Rushes, and the like.
114. A History of Washing, Brushing, &c.
115. A History of Farming, Pasturage, the Managing of Wood, &c.
116. A History of Gardens.
117. A History of Fishing.
118. A History of Hunting and Fowling.
119. A History of the Art of War, and the Arts subservient to it, as the manufacture of arms, bows, arrows, muskets, projectile engines, balistæ, machines, &c.
120. A History of the Nautical Art, and the Trades and Arts subservient to it.
121. A History of Gymnastics, and of all Kinds of Exercise used by Man.
122. A History of Riding.
123. A History of Games of all kinds.
124. A History of Conjurors and Sleight of Hand Men.
125. A Miscellaneous History of different Artificial Substances, as smalt, porcelain, various cements, &c.
126. A History of Salts.
127. A Miscellaneous History of different Machines and Motions.
128. A Miscellaneous History of Common Experiments, which have not yet united into an Art.

Histories also of pure Mathematics ought to be written, although they be rather Observations than Experiments.

129. A History of the Natures and Powers of Numbers.
130. A History of the Natures and Powers of Figures.

It may not be useless to suggest that, as many of the experiments fall under two or more heads, (thus the History of Plants and of the Art of Gardening contains many things common to both,) it will be more convenient to regulate the inquisition by the arts, the arrangement by the bodies. For we pay no great attention to the mechanical arts as such, but only to those of them which contribute to furnish forth philosophy. But these matters will be best disposed of as the cases arise.

THIRD PART

OF THE INSTAURATIO.

A

NATURAL AND EXPERIMENTAL HISTORY,

TO SERVE AS A FOUNDATION FOR PHILOSOPHY:

OR,

PHENOMENA OF THE UNIVERSE;

BEING THE THIRD PART OF THE INSTAURATIO MAGNA.

TO

THE MOST ILLUSTRIOUS AND EXCELLENT PRINCE

CHARLES,

SON AND HEIR TO THE HIGH AND MIGHTY KING JAMES.

I HUMBLY present unto your highness the first-fruits of our Natural History; a thing exceeding little in quantity, like a grain of mustard seed, but yet a pledge of those things which, God willing, shall ensue. For we have bound ourselves, as by a vow, every month that God shall of his goodness please (whose glory it sets forth, as it were in a new canticle or song) to prolong our life, to set out one or more parts of it, according as their length and difficulty shall prove more or less. Others may peradventure (moved by our example) be moved to the like industry; especially when they shall clearly perceive what is in hand. For in a natural history which is good and well set out, are the keys both of sciences and works. God preserve your highness long in safety.

Your highness's humble and devoted servant,

FRAN. ST. ALBAN.

THE TITLES OF THE HISTORIES AND INQUISITIONS DESTINED FOR THE FIRST SIX MONTHS.

THE HISTORY OF WINDS.

THE HISTORY OF DENSITY AND RARITY, AS LIKEWISE OF COITION AND EXPANSION OF MATTER BY SPACES.

THE HISTORY OF HEAVY AND LIGHT.

THE HISTORY OF THE SYMPATHY AND ANTIPATHY OF THINGS.

THE HISTORY OF SULPHUR, MERCURY, AND SALT.

THE HISTORY OF LIFE AND DEATH.

THE
NATURAL AND EXPERIMENTAL HISTORY,
FOR THE MAKING UP OF PHILOSOPHY:
OR,
EXPERIMENTS OF THE UNIVERSE:
WHICH IS THE THIRD PART OF THE INSTAURATIO MAGNA.

MEN are to be entreated, advised, and adjured, even by their fortunes, to submit their minds and seek for knowledge in the greater world; and likewise to cast away so much as the thought of philosophy, or at least to hope but for slender and small fruits thereof, until a diligent and approved natural and experimental history be acquired and made up. For what would these shallow brains of men, and these potent trifles have? There were among the ancients numerous opinions of philosophers, as of Pythagoras, Philolaus, Xenophanes, Heraclitus, Empedocles, Parmenides, Anaxagoras, Leucippus, Democritus, Plato, Aristotle, Theophrastus, Zeno, and others. All these made up arguments of worlds, as of fables, according to their own fancies, and recited and published those fables; whereof some indeed were more handsome and probable, and some again most harsh. But in our ages, by means of colleges and schools' disciplines, wits are somewhat more restrained; yet have they not quite ceased: Patricius, Telesius, Brunus, Severine, the Dane, Gilbertus, an Englishman, and Campanella, did set foot upon the stage, and acted new fables, neither much applauded nor of any elegant argument or subject. But do we wonder at these things, as though such sects and opinions might not in an infinite number arise in all ages? For neither is there, nor ever will be any end or limit for these things. One snatches at one thing, another is pleased with another; there is no dry nor clear sight of any thing; every one plays the philosopher out of the small treasures of his own fancy, as it were out of Plato's cave; the more sublime wits more acutely, and with better success; the duller with less success, but equal obstinacy: and not long since, by the discipline of some learned (and, as things go now, excellent) men, sciences are bounded within the limits of some certain authors which they have set down, imposing them upon old men, and instilling them into young. So that now (as Tully cavilled upon Cæsar's consulship) the star Lyra or Harpe riseth by an edict, and authority is taken for truth, not truth for authority; which kind of order and discipline is very convenient for our present use, but banisheth those which are better. For we both suffer for and emulate our first parents' sin; they desired to be like unto God, and their posterity much more; for we create new worlds, go before nature and command it. We must have all things to be so as may agree with our folly, not to divine wisdom, nor as they are found to be in themselves; neither can I say which we rest most, our wits or the things themselves: but certainly we set the stamps and seals of our own images upon God's creatures and works, and never carefully look upon and acknowledge the Creator's stamps. Therefore, we do not, without cause, again strive for the domination over the creatures. For, whereas, even after the fall of man, he had some kind of domination left him over reluctant creatures, that he might tame and subdue them by true and solid arts; we have, for the most part, lost that, also, through our own insolence, because we will be like unto God, and follow the dictates of our own reason. Wherefore, if there be any humility towards the Creator, any reverence and magnifying of his works, any charity in men, or care to release them out of their necessities and miseries, if there be any love of truth in natural things, hatred of darkness, and a desire of purifying the understanding, men are to be again and again desired that, casting off, or, at least, laying aside for a while the flying and preposterous philosophies, which have set the theses before the hypotheses, or suppositions before solid grounds, have captivated experience, and triumphed over the works of God, they would humbly, and with a certain reverence, draw near and turn over the great volume of the creatures, stop and meditate upon it; and, being cleansed, and free from opinions, handle them choicely and entirely. This is the speech and language that went out into all the ends of the world, and suf-

fered not in the confusion of Babel. Let men learn this, and becoming children again, and infants, not scorn to take A B C thereof in hand, and in finding and searching out the interpretation of it, let them spare no labour, but let them persist and go on, and even die in the quest of it. Seeing, therefore, that in our Instauration we have placed the Natural History (such as it is, in order to our ends) in the third part of the work, we have thought fit to prevent this thing, and fall upon it immediately. For, although in our Organon there are many things of especial consequence to be finished, yet we think it fitting rather to promote or set forward the general work of instauration in many things, than to perfect it in a few; always desiring, with extreme fervency, (such as we are confident God puts in the minds of men,) to have that which was never yet attempted, not to be now attempted in vain. Likewise, there came this thought into my mind, namely, that there are questionless in Europe many capable, free, sublimed, subtile, solid, constant wits; and what if any one endued with such a wit do betake himself to the use and manner of our Organon, and approve of it? yet hath he nothing to do, nor knows not how to address himself to, or fit himself for philosophy. If it were a thing which might be effected by reading of philosophy books, disputation, or meditation, that man (whosoever it be) might sufficiently and abundantly perform it; but if we remit him, as indeed we do, to natural history, and experiments of arts, he is gravelled, or sticks in the mire; it is not his intention, he hath no time, nor will not be at the charge; yet we must not desire to have men cast off old things before they have gotten new. But after a copious and faithful history of nature and arts is gathered and digested, and, as it were, set and laid open before men's eyes, there is no small hope that such great wits as we have before spoken of, (such as have been in ancient philosophers, and are at this day frequent enough,) having been heretofore of such efficacy, that they could, out of cork, or a little shell, (namely, by thin and frivolous experience,) build certain little boats for philosophy, gallant enough for art and structure, how much more gallant and solid structures will they make when they have found a whole wood, and stuff enough; and that, though they had rather go on in the old way, than make use of our Organon's way, which (in our opinion) is either the only, or the best way. So that the case stands thus: our Organon (though perfect) could not profit much without the Natural History; but our Natural History, without the Organon, might much advance instauration, or renewing of sciences. Wherefore, we have thought it best and most advisedly to fall upon this before any thing else. God, the maker, preserver, and renewer of the universe, guide and protect this work, both in its ascent to his own glory, and in its descent to the good of man, through his good will towards man, by his only begotton Son, God with us!

THE RULE OF THIS PRESENT HISTORY.

THOUGH we have set down, towards the end of that part of our Organon which is come forth, precepts concerning the Natural and Experimental History, yet we have thought good to set down more exactly and briefly the form and rule of this history which we now take in hand. To the titles comprehended in the catalogue, which belong to the concretes, we have added the titles of the abstract natures; of which, as of a reserved history, we made mention in the same place. These are the various figurations of the matter, or forms of the first class; simple motions, sums of motions, measures of motions, and some other things: of these we have made a new alphabet, and placed it at the end of this volume. We have taken titles, (being no way able to take them all,) not according to order, but by choice; those, namely, the inquisition of which either for use was most of weight, or for abundance of experiments most convenient, or for the obscurity of the thing most difficult and noble, or, by reason of the discrepancy of titles among themselves, most open to examples. In each title, after a kind of an entrance or preface, we presently propound certain particular topics or articles of inquisition, as well to give light to the present inquisition, as to encourage a future. For we are master of questions, but not of things; yet we do not, in the history, precisely observe the order of questions, lest that which is for an aid and assistance should prove a hindrance.

The histories and experiments always hold the first place; and if they set forth any enumeration and series of particular things, they are made up in tables, or if otherwise, they are taken up severally.

Seeing that histories and experiments do oftentimes fail us, especially those which give light, and instances of the cross, by which the understanding may be informed of the true causes of things, we give precepts of new experiments, as far as we can see them fitting in our mind, for that as is to be inquired; and these precepts are designed like histories. For what other means is left to us, who are the first that come into this way? We unfold and make plain the manner of some experiments that are more quaint and subtile, that there may be no error, and that we may stir up others to find out better and more exact ways. We interweave monitions and cautions of the fallacies of things, and of such errors and scruples as may be found in the inquiry, that all fancies, and, as it were, apparitions, may be frighted away, as by an exorcism or spell.

We join thereunto our observations upon history and experiments, that the interpretation of the nature may be the readier.

We interpose some comments, or, as it were, rudiments of the interpretations of causes, sparingly, and rather supposing what may be, than positively defining what is.

We prescribe and set down rules, but movable ones, and, as it were, inchoated axioms which offer themselves unto us as we inquire, not as we decisorily pronounce, for they are profitable, though not altogether true.

Never forgetting the profit of mankind, (though the light be more worthy than those things which be shown by it,) we offer to man's attention and practice certain essays of practice, knowing that men's stupidity is such, and so unhappy, that sometimes they see not and pass over things which lie just in their way.

We set down works and things impossible, or at least which are not yet found out, as they fall under each title; and withal those which are already found out, and are in men's power; and we add to those impossible, and not yet found out things, such as are next to them, and have most affinity with them, that we may stir up and withal encourage human industry.

It appears by the aforesaid things that this present history doth not only supply the place of the third part of the instauration, but also is not a despicable preparation to the fourth, by reason of the titles out of the alphabet and topics, and to the sixth, by reason of the larger observations, commentations, and rules.

THE

ENTRY INTO THE HISTORY OF WINDS.

The winds gave wings to men; for by their assistance men are carried up through the air and fly; not through the air, indeed, but upon the sea; and a wide door is laid open to commerce, and the world is made pervious. They are the besoms which sweep and make clean the earth, which is the seat and habitation of mankind, and they cleanse both it and the air; but they make the sea hurtful, which otherwise is harmless, neither are they some other ways also free from doing hurt. They are, without help of man, able to stir up great and vehement motions, and like hirelings, serve both to sail and grind, and would be useful for many other things, if human care were not wanting. Their natures are reckoned amongst secret and hidden things. Neither is that to be wondered at, seeing the nature and power of the air is unknown, whom the winds do serve and flatter, as Eolus doth Juno in the Poets. They are not primary creatures, nor any of the six days' works, no more than the rest of the meteors actually, but afterborn, by the order of the creation.

PARTICULAR TOPICS;

OR,

ARTICLES OF INQUISITION CONCERNING THE WINDS.

The names of winds.

Describe or set down the winds according to the seaman's industry; and give them names either new or old, so that you keep yourself constant to them.

Winds are either general or precise, either peculiar or free. I call them general which always blow; precise, those which blow at certain times; attendants or peculiar, those which blow most commonly; free winds, those which blow indifferently or at any time.

General winds.

2. Whether there be any general winds, which are the very self-motion of the air; and if there be any such, in order to what motion, and in what places they blow?

Precise or fixed winds.

3. What winds are anniversary or yearly winds, returning by turns; and in what countries? Whether there be any wind so precisely fixed, that it returns regularly at certain days and hours, like unto the flowing of the sea?

Attending or peculiar winds.

4. What winds are peculiar and ordinary in countries, which observe a certain time in the same countries; which are spring winds, and which are summer winds; which autumnal, which brumal, which equinoctial, which solstitial; which are belonging to the morning, which to noon, which to the evening, and which to the night.

5. What winds are sea winds, and what winds blow from the continent? and mark and set down the differences of the sea and land winds carefully, as well of those which blow at land and sea, as of those which blow from land and sea.

Free winds.

6. Whether winds do not blow from all parts of heaven?

Winds do not vary much more in the parts of heaven from which they blow, than in their own qualities. Some are vehement, some mild, some constant, some mutable; some hot, some cold, some moistening and dissolving; some drying and astringent; some gather clouds and are rainy, and peradventure stormy; some disperse the clouds, and are clear.

Divers qualities of winds.

7. Inquire, and give account, which are the winds of all the forenamed sorts or kinds, and how they vary, according to the regions and places.

There are three local beginnings of winds: either they are thrown and cast down from above, or they spring out of the earth, or they are made up of the very body of the air.

Local beginnings of winds.

8. According to these three beginnings inquire concerning winds; namely, which are thrown down, out of that which they call the middle region of the air; which breathe out of the concavities of the earth, whether they break out together; or whether they breathe out of the earth imperceivably, and scattering, and afterwards gather together, like rivulets into a river. Finally, which are scatteringly engendered from the swellings and dilatations of the neighbouring air?

Neither are the generations of the winds original only, for some there are also accidental, namely, by the compression or restraints of the air, and by the percussions and repercussions of it.

Accidental generations and productions of winds.

9. Inquire concerning these accidental generations of winds; they are not properly generations of winds; for they rather increase and strengthen winds, than produce and excite them.

Hitherto of the community of winds. There are also certain rare and prodigious winds, such as are called tempests, whirlwinds, and storms. These are above ground. There are likewise some that are subterraneal and under ground, whereof some are vaporous and mercurial, they are perceivable in mines; some are sulphurous, they are sent out, getting an issue by earthquakes, or do flame out of fiery mountains.

Extraordinary winds and sudden blasts.

10. Inquire concerning such rare and prodigious winds, and of all miraculous and wonderful things done by winds.

From the several sorts of winds, let the inqui-

sition pass to those things which contribute towards the winds, (for we will so express it, because the word efficient signifies more, and the word concomitant, less than we mean,) and to those things which seem to raise, or to appease the winds.

Things contributing or making for the winds, and raising and appeasing them.

11. Inquire sparingly concerning astrological considerations of winds, neither care thou for the over-curious schemes of the heaven, only do not neglect the more manifest observations of winds rising, about the rising of some stars, or about the eclipses of the luminaries, or conjunctions of planets; nor much less on those which depend on the courses of the sun and moon.

12. What meteors of several sorts do contribute or make for winds, what the earthquakes, what rain, what the skirmishing of winds, one with another? for these things are linked together, and one draws on the other.

13. What the diversity of vapours and exhalations contributes towards the winds? and which of them do most engender winds? and how far the nature of winds doth follow these its materials?

14. What those things which are here upon the earth, or are there done do contribute towards the winds; what the hills and the dissolutions of snow upon them; what those masses of ice which swim upon the sea, and are carried to some place; what the differences of soil and land; (so it be of some large extent;) what ponds, sands, woods, and champion ground; what those things which we men do here, as burning of heath, and the like, doth contribute to the manuring of land, the firing of towns in time of war, the drying up of ponds and lakes; the continual shooting off of guns, the ringing of many bells together in great cities, and the like? These things and acts of ours are but as small straws, yet something they may do.

15. Inquire concerning all manner of raisings, or allaying of winds, but be sparing in fabulous and superstitious causes.

From those things which make for the winds, let the inquisition proceed to inquire of the bounds of the winds, of their height, extension, and continuance.

The bounds of winds.

16. Inquire carefully of the height or elevation of winds, and whether there be any tops of mountains to which the winds do not reach; or whether clouds may be seen sometimes to stand still, and not move, when the winds at the same time blow strongly upon the earth.

17. Inquire diligently of the spaces or rooms which the winds take up at once, and within what bounds they blew. As, for example, if the south wind blew in such a place, whether it be known certainly, that at the same time the north wind blew ten miles off? And, contrariwise, into how narrow and straight bounds the winds may be reduced, so that winds may pass, as it were, through channels, which seems to be done in some whirlwinds.

18. Inquire for how long a time, very much, ordinary, or little time, winds use to continue, and then slack, and, as it were, expire and die. Likewise, how the rising and beginning of winds useth to be; what their languishing or cessation is, whether suddenly, or by degrees, or how?

From the bounds of the winds let your inquisition pass over to the succession of winds, either amongst themselves, or in respect of rain and showers; for when they lead their rings, it were pretty to know the order of their dancing.

Successions of winds.

19. Whether there be any more certain rule or observation concerning the successions of winds one to another, or whether it have any relation to the motion of the sun, or otherwise; if it have any, what manner of one it is?

20. Inquire concerning the succession and the alteration, or taking turns of the winds and rain, seeing it is ordinarily and often seen, that rain lays the wind, and the wind doth disperse the rain.

21. Whether, after a certain term and period of years, the succession of winds begin anew; and if it be so, what that period is, and how long?

From the succession of the winds, let the inquisition pass to their motions; and the motions of the winds are comprehended in seven inquisitions; whereof three are contained in the former articles, four remain as yet untouched. For, we have inquired of the motion of winds divided into the several regions of the heaven; also, of the motion upon three lines, upward, downward, and laterally. Likewise, of the accidental motion of compressions or restraints. There remain the fourth, of progressions or going forward; the fifth, of undulation, or waving; the sixth, of conflict or skirmish; the seventh, in human instruments and engines.

Divers motions of the winds.

22. Seeing progression is always from some certain place or bound, inquire diligently, or as well as thou canst, concerning the place of the first beginning, and, as it were, the spring of any wind. For winds seem to be like unto fame, for, though they make a noise and run up and down, yet they hide their heads amongst the clouds; so is their progress; as, for example, if the vehement northern wind which blew at York such a day, do blow at London two days after.

23. Omit not the inquisition of undulation of

winds. We call undulation of winds that motion by which the wind, in or for a little space of time, rises and abates, as the waves of the water; which turns may easily be apprehended by the hearing of them in houses; and you must so much the rather mark the differences of undulation, or of furrowing between the water and the air, because in the air and winds there wants the motion of gravity or weight, which is a great part of the cause of the waves rising in the water.

24. Inquire carefully concerning the conflict and meeting of winds, which blow at one and the same time: first, whether at the same time there blow several original winds, (for we do not speak of reverberated winds.) which, if it comes to pass, what windings they engender and bring forth in their motion, and also what condensations, and alterations they produce in the body of the air?

25. Whether one wind blow above at the same time as another blows here below with us? For it hath been observed by some, that sometimes the clouds are carried one way, when the weather-cock upon a steeple stands another. Also, that the clouds have been driven by a strong gale, when we, here below, have had a great calm.

26. Make an exact particular description of the motion of the winds in driving on ships with their sails.

27. Let there be a description made of the motion of the winds in the sails of ships, and the sails of windmills, in the flight of hawks and birds; also, in things that are ordinary, and for sport, as of displayed colours, flying dragons, duels with winds, &c.

From the motions of winds, let the inquisition pass to the force and power of them.

Of the power of winds.

28. What winds do or can do concerning currents or tides of waters, in their keeping back, putting forth, or inlets or overflowings.

29. What they do concerning plants and insects, bringing in of locusts, blastings and mildows.

30. What they effect concerning purging or clearing, and infecting of the air, in plagues, sickness, and diseases of beasts.

31. What they effect concerning the conveying to us things (which we call) spiritual, as sounds, rays, and the like.

From the powers of winds let the inquisition pass to the prognostics of winds, not only for the use of predictions, but because they lead us on to the causes: for prognostics do either show us the preparations of things, before they be brought into action, or the beginnings before they appear to the sense.

Prognostics of winds.

32. Let all manner of good prognostics of winds be carefully gathered together, (besides astrological ones, of which we set down formerly how far they are to be inquired after,) and let them either be taken out of meteors, or waters, or instincts of beasts, or any other way.

Lastly, close up the inquisition, with inquiring after the imitations of winds, either in natural or artificial things.

Imitations of winds.

33. Inquire of the imitations of winds in natural things; such as breaths enclosed within the bodies of living creatures, and breaths within the receptacles of distilling vessels.

Inquire concerning made gales, and artificial winds, as bellows, refrigeratories, or coolers in parlours, or dining-rooms, &c.

Let the heads or articles be such. Neither is it unknown to me that it will be impossible to answer to some of these according to the small quantity of experience that we have. But, as in civil causes, a good lawyer knows what interrogatories the cause requires to have witnesses examined upon; but what the witnesses can answer he knows not. The same thing is incident to us in natural history. Let those who came after us endeavour for the rest.

THE HISTORY.

The Names of Winds.

To the first article.

We give names to winds rather as they are numbered in their order and degrees than by their own antiquity; this we do for memory's and perspicuity's sake. But we add the old words also, because of the assenting voices or opinions of old authors; of which having taken (though with somewhat a doubtful judgment) many things, they will hardly be known, but under such names as themselves have used. Let the general divi sion be this: let cardinal winds be those which blow from corners or angles of the world; semi-

cardinal, those which blow in the half-wards of those; and median winds, those which blow between these half-wards: likewise of those which blow betwixt these half-wards; let those be called major medians which blow in a quadrant or fourth part of these divisions: the lesser medians are all the rest. Now the particular division is that which follows:

Cardinal.	North.
	North and by east.
Med. Maj.	North-north-east, or aquilo.
	North-east, and by north, or meses.
Semicard.	North-east.
	North-east and by east.
Med. Maj.	East-north-east, or cæcias.
	East and by north.
Cardinal	East, or subsolanus.
	East by south.
Med Maj.	East-south-east, or vulturnus.
	South-east and by east.
Semicard.	South-east.
	South-east and by south.
Med. Maj.	South-south-east, or phœnicias.
	South and by east.
Cardinal.	South.
	South and by west.
Med. Maj.	South-south-west, or libonotus.
	South-west and by south.
Semicard.	South-west, or libs.
	South-west and by west.
Med. Maj.	West-south-west, or africus.
	West and by south.
Cardinal.	West, or favonius.
	West and by north.
Med Maj.	West-north-west, or corus.
	North-west and by west.
Semicard	North-west.
	North-west and by north, or thrascias.
Med. Maj.	North-north-west, or circius.
	North and by west.

There are also other names of winds. Apeliotes, the east wind, argestes, the south-west, olympias, the north-west, scyron, the south-east; hellespontius, the east-north-east, for these we care not. Let it suffice that we have given constant and fixed names of winds, according to the order and disposition of the regions of the heavens: we do not set much by the comments of authors, since the authors themselves have little in them.

Free Winds.

To the sixth article.

1. There is not a region of the heaven from whence the winds doth not blow. Yea, if you divide the heaven into as many regions as there be degrees in the horizon, you shall find winds sometimes blowing from every one of them.

2. There are some whole countries where it never rains, or, at least, very seldom; but there is no country where the wind doth not blow, and that frequently.

General Winds.

To the second article.

1. Concerning general winds, experiments are plain; and it is no marvel, seeing that (especially within the tropics) we may find places condemned among the ancients.

It is certain, that to those who sail between the tropics in a free and open sea, there blows a constant and settled wind (which the seamen call a breeze) from east to west. This wind is not of so little force, but that, partly by its own blowing, and partly by its guiding the current of the sea, it hindereth seamen from coming back again the same way they went to Peru.

2. In our seas in Europe, when it is fair dry weather, and no particular winds stirring, there blows a soft kind of gale from the east, which followeth the sun.

3. Our common observations do admit that the higher clouds are for the most part carried from east to west; and that it is so likewise when here below upon the earth, either there is a great calm, or a contrary wind; and if they do not so always, it is because sometimes particular winds blow aloft which overwhelm this general wind.

A Caution. If there be any such general wind, in order to the motion of the heaven, it is not so firm nor strong but that it gives way to particular winds. But it appears most plainly amongst the tropics, by reason of the larger circles which it makes. And, likewise, it is so when it blows on high, for the same cause, and by reason of its free course. Wherefore, if you will take it without the tropics, and near the earth, (where it blows most gently and slowly,) make trial of it in an open and free air, in an extreme calm, and in high places, and in a body which is very movable, and in the afternoon, for at that time the particular eastern wind blows more sparingly.

Injunction. Observe diligently the vanes and weathercocks upon the tops and towers of churches, whether, in extreme calms, they stand continually towards the west or not.

An indirect experiment.

4. It is certain, that here with us in Europe the eastern wind is drying and sharp; the west wind, contrariwise, moist and nourishing. May not this be by reason that (it being granted that the air moves from east to west) it must of necessity be that the east wind, whose blast goeth the same way, must needs disperse and attenuate the air, whereby the air is made biting and dry; but the western wind, which blows the contrary way, turns the airs back upon itself, and thickens it, whereby it becomes more dull, and, at length, moist.

An indirect experiment.

5. Consider the inquisition of the motion and flowing of waters, whether they move from east to west; for, if the two extremes, heaven and waters, delight in this motion, the air which is in the midst will go near to participate of the

Caution. We call the two last experiments indirect, because they do directly show the thing which we aim at but by consequence, which we also gladly admit of when we want direct experiments.

Injunction. That the breeze blows plentifully between the tropics, is most certain; the cause is very ambiguous. The cause may be, because the air moves according to the heaven; but without the tropics almost imperceivably, by reason of the smaller circles which it makes; within the tropics manifestly, because it makes bigger circles. Another cause may be, because all kind of heat dilates and extends the air, and doth not suffer it to be contained in its former place; and by the dilatation of the air, there must needs be an impulsion of the contiguous air which produceth this breeze as the sun goes forward; and that is more evident within the tropics, where the sun is more scorching; without it, is hardly perceived. And this seems to be an instance of the cross, or a decisory instance. To clear this doubt you may inquire, whether the breeze blow in the night or no: for the wheeling of the air continues also in the night, but the heat of the sun does not.

6. But it is most certain that the breeze doth not blow in the night, but in the morning, and when the morning is pretty well spent; yet that instance doth not determine the question, whether the nightly condensation of the air (especially in those countries where the days and nights are not more equal in their length than they are differing in their heat and cold) may dull and confound that natural motion of the air, which is but weak.

If the air participates of the motion of the heaven, it does not only follow that the east wind concurs with the motion of the air, and the west wind strives against it; but also that the north wind blows, as it were, from above, and the south wind as from below here in our hemisphere, where the antarctic pole is under ground, and the arctic pole is elevated! which hath likewise been observed by the ancients, though staggeringly and obscurely: but it agrees very well with our modern experience, because the breeze (which may be a motion of the air) is not a full east, but a north-east wind.

Stayed or Certain Winds.

To the third article. Connexion.

As, in the inquisition of general winds, men have suffered and been in darkness, so they have been troubled with a vertigo or giddiness concerning stayed and certain winds. Of the former, they say nothing; of the latter, they talk up and down at random. This is the more pardonable, the thing being various; for these stayed winds do change and alter according to the places where they be: the same do not blow in Egypt, Greece, and Italy.

1. That there are stayed winds in some places, the very name that is given them doth declare it, as the other name of etesiaes means anniversary or yearly winds.

2. The ancients attributed the cause of the overflowing of Nilus to the blowing of the etesian (that is to say, northern) winds at that time of the year, which did hinder the river's running into the sea, and turned the stream of it back.

3. There are currents in the sea which can neither be attributed to the natural motion of the ocean, nor to the running down from higher places, nor the straitness of the opposite shores, nor to promontories running out into the sea, but are merely guided and governed by these stayed winds.

4. Those who will not have Columbus to have conceived such a strong opinion concerning the West Indies by the relation of a Spanish pilot, and much less believe that he might gather it out of some obscure footsteps of the ancients, have this refuge; that he might conjecture there was some continent in the west by the certain and stayed winds which blew from them towards the shores of Lusitania or Portugal. A doubtful, and not very probable thing, seeing that the voyage of winds will hardly reach so large a distance. In the mean time there is great honour due to this inquisition, if the finding of this new world be due to one of those axioms or observations, whereof it comprehends many.

5. Wheresoever are high and snowy mountains, from thence blow stayed winds, until that time as the snow be melted away.

6. I believe also that from great pools which are full of water in the winter, there blow stayed winds in those seasons, when as they begin to dry up with the heat of the sun. But of this I have no certainty.

7. Wheresoever vapours are engendered in abundance, and that at certain times, be sure that stayed winds will blow there at the same times.

8. If stayed and certain winds blow anywhere, and the cause cannot be found near at hand, assure yourself that those certain winds are strangers, and come from far.

9. It hath been observed, that stayed winds do not blow in the night-time, but do rise about three hours after sunrising. Surely such winds are tired, as it were, with a long journey, that they can scarcely break through the thickness of the night air, but being stirred up again by the rising of the sun, they go forward by little and little.

10. All stayed winds (unless they blow from some neighbouring places) are weak, and yield unto sudden winds.

11. There are many stayed winds which are not perceivable, and which we do not observe, by reason of their weakness, whereby they are over-

thrown by the free winds. Wherefore in the winter they are hardly taken notice of, when the free winds wander most: but are more observable in the summer, when those wandering winds grow weak.

12. In Europe these are the chief stayed winds, north winds from the solstice, and they are both forerunners and followers of the dogstar. West winds from the equinoctial in autumn, east winds from the spring equinoctial; as for the winter solstice, there is little heed to be taken of it, by reason of the varieties.

13. The winds called ornithii, or bird winds, had that name given them because they bring birds out of cold regions beyond the sea, into warm climates; and they belong not to stayed winds, because they for the most part keep no punctual time: and the birds, they for the convenience of them, whether they come sooner or later: and many times when they have begun to blow a little, and turn, the birds being forsaken by it, are drowned in the sea, and sometimes fall into ships.

14. The returns of these certain or stayed winds are not so precise at a day or an hour, as the flowing of the sea is. Some authors do set down a day, but it is rather by conjecture than any constant observation.

Customary or Attending Winds.

Of the fourth and fifth articles. Connexion.

The word of attending wind is ours, and we thought good to give it, that the observation concerning them be not lost, nor confounded. The meaning is this, divide the year if you please (in what country soever you be) into three, four, or five parts, and if any one certain wind blow then two, three, or four of those parts, and a contrary wind but one; we call that wind which blows most frequently the customary, or attending wind of that country, and likewise of the times.

1. The south and north winds are attendants of the world, for they, with those which are within their sections or divisions, blow oftener over all the world, than either the east or the west.

2. All the free winds (not the customary) are more attendant in the winter than in the summer; but most of all in the autumn and spring.

3. All free winds are attendants rather in the countries without the tropics, and about the polar circles, than within: for in frozen and in torrid countries, for the most part they blow more sparingly, in the middle regions they are more frequent.

4. Also all free winds, especially the strongest and most forcible of them, do blow oftener and more strongly, morning and evening, than at noon and night.

5. Free winds blow frequently in hollow places, and where there be caves, than in solid and firm ground.

Injunction. Human diligence hath almost ceased and stood still in the observation of attending winds in particular places. which, notwithstanding, should not have been, that observation being profitable for many things. I remember, I asked a certain merchant, (a wise and discreet man,) who had made a plantation in Greenland, and had wintered there, why that country was so extreme cold, seeing it stood in a reasonable temperate climate. He said, it was not so great as it was reported; but that the cause was twofold: One was, that the masses and heaps of ice which came out of the Scythian sea were carried thither. The other (which he also thought to be the better reason) was because the west wind there blows many parts of the year, more than the east wind; as also (said he) it doth with us; but there it blows from the continent, and cold, but with us from the sea, and warmish. And (said he) if the east wind should blow here in England so often and constantly as the west wind does there, we should have far colder weather, even equal to that as is there.

6. The west winds are attendants of the *pomeridian* or afternoon hours: for, towards the declining of the sun, the winds blow oftener from the east than from the west.

7. The south wind is attendant on the night; for it rises and blows more strongly in the night, and the north wind in the daytime.

8. But there are many and great differences between winds which are attendant on the sea, and those which are attendant upon the land. That is one of the chief which gave Columbus occasion to find out the new world; namely, that sea winds are not stayed, but land winds are: for the sea abounding in vapours, which are indifferently everywhere, winds are also engendered indifferently everywhere, and with great inconstancy are carried here and there, having no certain beginnings nor sources. But the earth is much unlike for the begetting of winds: some places are more efficacious to engender and increase winds, some less: wherefore they stand most from that part where they have their nourishment, and take their rise from thence.

9. Acosta is unconstant in his own position. He saith that at Peru, and the sea coasts of the south sea, south winds do blow almost the whole year: and he saith in another place, that upon those coasts sea winds do blow chiefliest. But the south wind to them is a land wind, as likewise the north and east wind also, and the west wind is their only sea wind. We must take that which he sets down more certainly; namely, that the south wind is an attending and familiar wind of those countries: unless, peradventure, in the name of the south sea he hath corrupted his meaning, or his speech, meaning the west by the south, which blows from the south sea. But the sea which they call the south sea is not properly the south

sea; but as a second western ocean, being stretched out in the like situation as the Atlantic sea is.

10. Sea winds are questionless more moist than land winds, but yet they are more pure, and will easilier, and with more equality be incorporated with the pure air. For terrestrial winds are ill composed, and smoky. Neither let any one object, that they ought to be grosser by reason of the saltness of the sea. For the nature of terrestrial salt doth not rise in vapours.

11. Sea winds are lukewarm or cold, by reason of the two foresaid qualities, humidity and pureness. For by humidity they mitigate the colds, (for dryness increaseth both heat and cold,) and with their pureness they cool. Therefore without the tropics they are lukewarm, within the tropics they are cold.

12. I believe that sea winds are everywhere attendant upon particular countries, especially such as stand upon the sea-coasts: that is to say, winds blow more frequently from that side where the sea is, by reason of the greater plenty of matter which winds have in the sea, than in the land; unless there be some firm wind blowing from the land, for some peculiar reason. But let no man confound firm or stayed winds with attendant winds: the attendants being always more frequent; but the stayed ones for the most part blowing more seldom. But that is common to them both, namely, to blow from that place from which they receive their nourishment.

13. Sea winds are commonly more vehement than land winds: yet when they cease, the sea is calmer from the shores than near unto them; insomuch that mariners, to avoid calms, will sometimes coast along the shore, rather than launch into the deep.

14. Winds which are called tropei, that is to say, retorted, namely, such as, when they have blown a little way, suddenly turn again, such winds, I say blow from the sea towards the shore: but retorted winds and whirlwinds are most commonly in gulfs of seas.

15. Some small gales blow for the most part about all great waters, and they are most felt in a morning; but more about rivers than at sea, because of the difference which is between a land gale and a water gale.

16. In places which are near the sea, trees bow and bend, as shunning the sea air: but that comes not through any averseness to them; but sea winds, by reason of their humidity and thickness, are as it were more heavy and ponderous.

The Qualities and Powers of Winds.

To the seventh, twenty-eighth, twenty-ninth, thirtieth, and thirty-first articles. Connexion.

Concerning the qualities and powers of winds, men have made careless and various observations: we will cull out the most certain, and the rest, as too light, we will leave to the winds themselves.

1. With us the south wind is rainy, and the northern wind clear and fair, the one gathers together and nourishes the clouds; the other scatters and casts them off. Wherefore the poets, when they speak of the deluge, feign the northern wind at that time to be shut up in prison, and the south wind to be sent out with very large commission.

2. The west wind hath with us been held to be the wind which blew in the golden age, the companion of a perpetual spring, and a cherisher of flowers.

3. Paracelsus his scholars, when they sought for a place for their three principles in Juno's temple also, which is the air, placed three, but found no place for the east wind.

> They Mercury ascribe to the south winds,
> To the rich western blasts the sulphur mines,
> And rugged Boreas' blasts the sad salt finds.

4. But with us in England the east wind is thought to be mischievous, so that it goes for a proverb, "that when the wind is in the east, it is neither good for man nor beast."

5. The south wind blows from the presence of the sun, the north from the absence in our hemisphere. The east wind in order to the motion of the air, the west wind from the sea, the east wind from the continent, most commonly in Europe and the western parts of Asia. These are the most radical and essential differences of winds; from which truly and really depend most of the qualities and powers of the winds.

6. The south wind is not so anniversary or yearly, nor so stayed as the northern wind is, but more wandering and free; and when it is stayed, it is so soft and mild that it can scarcely be perceived.

7. The south wind is lower, and more lateral, and blowing of one side; the northern wind is higher and blows from above; we do not mean the polar elevation and depression of which we have spoken formerly; but because the north wind for the most part hath its beginnings higher, and the south wind for the most part nearer to us.

8. The south wind to us is rain, (as we said before,) but in Africa it causes clear weather, but bringing great heat along with it, and not cold, as some have affirmed. In Africa it is pretty healthful, but to us, if the south wind last long with fair weather and without rain, it is very pestilent.

9. The south winds and west winds do not engender vapours, but they blow from those coasts where there is great store of them, by reason of the increase of the sun's heat, which draws forth the vapours, and therefore they are rainy. But if they blow from dry places, which have no vapours in them, they are fair. But, notwithstanding, sometimes they are pure and sometimes turbulent.

10. The south and west winds here with us, seem to be confederate, and are warm and moist,

and on the other side the north and east winds have some affinity between them, being cold and dry.

11. The north and south winds (whereof we have also spoken before) do blow oftener than the east and west winds, because there is a great inequality of vapours in those parts, by reason of the absence and presence of the sun, but to the east and to the west the sun is, as it were, indifferent.

12. The south wind is very healthful when it comes from the sea, but when it blows from the continent it is more unhealthful; and so, contrariwise, the north wind is suspicious blowing from the sea, from the continent it is healthful. Likewise, the south sea wind is very agreeable with plants and fruits, killing their cankers, or rusts, and other hurtful annoyances.

13. A gentle south wind doth assemble and gather together clouds much, especially if it continue but a short while; but if it blow too boisterously, or long, it clouds the sky and brings in rain. But especially when it ceases or grows remiss, more than in its beginning, and when it is in its chiefest vigour.

14. When the south wind either begins to blow or ceases, for the most part there are changes of weather, from fair to cloudy, and from hot to cold, and contrariwise. The north wind many times rises and ceases, the former weather remaining and continuing.

15. After hoary frosts and long continued snow, there scarcely blows any other wind than a south wind, there being, as it were, a concoction or digestion made of cold, which then at last dissolves; neither doth rain also follow; but this likewise happens in changes or intervals of fair weather.

16. The south wind rises oftener and blows stronger in the night than in the day, especially in winter nights. But the north wind, if it rise in the night, (which is contrary to its custom,) it doth usually last above three days.

17. When the south wind blows, the waves swell higher than when the north wind blows, though it blows with an equal or lesser force.

18. The south wind blowing, the sea becomes blue and more bright than when the north wind blows, which causes it to look darker and blacker.

19. When the air becomes warmer on a sudden, it sometimes betokens rain; and, again, at other times, when on a sudden it grows colder, it likewise betokens rain. But this happens according to the nature of the winds; for if the air grow warm whilst the south or east wind blows, there is rain at hand, and likewise when it grows cold during the northern or western blasts.

20. The south wind blows for the most part entire and alone. But the north wind blowing, especially the east-north-east, or the north-west, oftentimes contrary and various, or divers winds blow together, whereby they are broken and disturbed.

21. Beware of a northern wind when you sow seed, neither would I wish any one to inoculate or graft in a southern wind.

22. Leaves fall from trees soonest on the south side, but vine sprouts or stalks bud forth, and grow most that way.

23. In large pasture, shepherds must take care (as Pliny saith) to bring their flocks to the north side, that they may feed against the south. For, if they feed towards the north, they grow lame and blear-eyed, and distempered in their bellies. The northern wind, also, doth so weaken their coupling, that if they couple looking that way, they will for the most part bring forth ewe-lambs. But Pliny doth not stand very stiffly to this opinion, having, as it were, taken it up upon trust and borrowed it.

24. Winds are hurtful to wheat and all manner of grain at three times, namely, at the opening and at the falling of the flower, and when the grain itself is ripe, for then they blow the corn out of the ear, and, at the other two times, either they blast the flower or blow it off.

25. While the south wind blows, men's breath grows ranker, all creatures' appetites decay, pestilent diseases reign, men wax more slow and dull. But when the wind is northwardly, men are more lively, healthful, and greedy after food. Yet the northern wind is hurtful for them that are troubled with the phthisick, cough, gout, or any other sharp defluxions.

26. An east wind is dry, piercing, and mortifying. The west wind moist, meek, and nourishing.

27. If the east wind blow when the spring is any thing forward, it is hurtful to fruits, bringing in of worms and caterpillars, so that the leaves are hardly spared: neither is it very good to grain. Contrariwise, the west wind is very propitious and friendly to herbs, flowers, and all manner of vegetables. And so is the east wind too about the autumnal equinox.

28. Western winds are more vehement than eastern winds, and bow and bend trees more.

29. Rainy weather, which begins when the east wind blows, doth last longer than that which begins when a west wind blows, and may peradventure hold out for a whole day.

30. The east and north wind, when they once begin to blow, blow more constantly; the south and west wind are more mutable.

31. In an eastern wind all visible things do appear bigger; but in a western wind all audible things are heard further, as sounds of bells and the like.

32. The east-north-east wind draws clouds to it. It is a proverb amongst the Greeks to compare it to usurers, who by laying out money do swallow it up. It is a vehement and large wind,

which cannot remove clouds so fast, as they will turn back and press upon it. Which is likewise seen in great fires, which grow stronger against the wind.

33. Cardinal or semicardinal winds are not so stormy as the median.

34. Median winds from north to north-east are more fair, from north-east to east more stormy. Likewise from east to south-east more fair, from south-east to south more stormy. Likewise from south to south-west more fair, from south-west to west more stormy. Likewise from west to north-west more fair; from north-west to north more stormy. So that, proceeding according to the order of the heavens, the median winds of the first halfward are always disposed to fair weather, those of the latter halfward to storms and tempests.

35. Thunders and lightnings, and storms, with falling of broken clouds are, when such cold winds as participate of the north do blow, as the north-west, north-north-west, north-north-east, north-east, and east north-east. Wherefore those thunders likely are accompanied with hail.

36. Likewise snowy winds come from the north, but it is from those median winds which are not stormy, as the north-west, and north-east, and by north.

37. Winds gain their natures and properties five ways only: either by the absence or presence of the sun; or by agreeing or disagreeing with the natural motion of the air; or by the diversity of the matter which feedeth them, by which they are engendered; as sea, snow, marishes, or the like; or by the tincture of the countries through which they pass; or by their original local beginnings: on high, under ground, in the middle; all which things the ensuing articles will better declare and explain.

38. All winds have a power to dry, yea, more than the sun itself, because the sun draws out the vapours; but if it be not very fervent, it doth not disperse them; but the wind both draws them out, and carries them away. But the south wind doth this least of any; and both timber and stones sweat more when the south wind blows a little, than when it is calm and lies still.

39. March winds are far more drying than summer winds; insomuch that such as make musical instruments will stay for March winds to dry their stuff they make their instruments of, to make it more porous, and better sounding.

40. All manner of winds purge the air, and cleanse it from all putrefaction, so that such years as are most windy, are most healthful.

41. The sun is like to princes, who sometimes having appointed deputies in some remote countries, the subjects there are more obsequious to those deputies, and yield them more respect than to the prince himself. And so the winds which have their power and origin from the sun, do govern the temperatures of the countries, and the disposition of the air, as much or more than the sun itself. Insomuch that Peru (which, by reason of the nearness of the ocean, the vastness of rivers, and exceeding great and high hills, hath abundance of winds and blasts blowing there) may contend with Europe for a temperate and sweet air.

42. It is no wonder if the force and power of winds be so great, as it is found to be; vehement winds being as inundations, torrents, and flowing of the spacious air, neither (if we attentively heed it) is their power any great matter. They can throw down trees, which, with their tops, like unto spread sails, give them advantage to do it, and are a burden to themselves. Likewise they can blow down weak buildings; strong and firm ones they cannot, without earthquakes join with them. Sometimes they will blow all the snow off the tops of hills, burying the valley that is below them with it; as it befel Solomon in the Sultanian fields. They will also, sometimes, drive in waters, and cause great inundations.

43. Sometimes winds will dry up rivers, and leave the channels bare. For if, after a great drought, a strong wind blows with the current for many days. so that it, as it were, sweeps away the water of the river into the sea, and keeps the sea water from coming in, the river will dry up in many places where it doth not use to be so.

Monition. Turn the poles, and, withal, turn the observations as concerning the north and south. For, the presence and absence of the sun being the cause, it must vary according to the poles. But this may be a constant thing, that there is more sea towards the south, and more land towards the north, which doth not a little help the winds.

Monition. Winds are made or engendered a thousand ways, as by the subsequent inquisition it will appear; so, to fix that observation in a thing so various, is not very easy. Yet, those things which we have set down are, for the most part, most certain.

Local Beginnings of Winds.

To the eighth article. Connexion.

To know the local beginnings of winds, is a thing which requires a deep search and inquisition, seeing that the whence and whither of winds are things noted even in the Scripture, to be abstruse and hidden. Neither do we now speak of the fountains or beginnings of particular winds, (of which more shall be said hereafter,) but of the matrixes of winds in general. Some fetch them from above, some search for them in the deep: but, in the middle, (where they are for the most part engendered,) nobody hardly looks for them: such is the custom of men to inquire after things which are obscure, and omit those

things which lie, as it were, in their way. This is certain, that winds are either inbred or strangers; for winds are, as it were, merchants of vapours, which being by them gathered into clouds, they carry out and bring in again into countries, from whence winds are again returned, as it were, by exchange. But let us now inquire concerning native winds, for those which, coming from another place, are strangers, are in another place natives. There are three local beginnings of them: they either breathe, or spring out of the ground, or are cast down from above, or are here made up in the body of the air. Those which are cast down from above, are of a double generation; for they are either cast down before they be formed into clouds, or afterwards composed of rarefied and dispersed clouds. Let us now see what is the history of these things.

1. The poets feigned Eolus his kingdom to be placed under ground in dens and caves, where the winds' prison was, out of which they were at times let forth.

2. Some philosophical divines, moved by those words of Scripture, "He brings forth the winds out of his treasures," think that the winds come out of some treasuries; namely, places under ground, amongst the mines of minerals. But this is nothing; for the Scripture speaketh likewise of the treasures of snow and hail, which, doubtless, are engendered above.

3. Questionless, in subterraneal places there is great store of air, which it is very likely sometimes breathes out by little and little, and sometimes, again, upon urgent causes, must needs come rushing forth together.

An indirect experiment.

In great droughts, and in the middle of summer, when the ground is cleft and chopped, there breaks out water many times in dry and sandy places; which, if waters (being a gross body) do, though it be but seldom, it is probable that the air (which is a subtile and tenuous body) may often do it.

4. If the air breathes out of the earth by little and little, and scatteringly, it is little perceived at the first; but when many of those small emanations, or comings out, are come together, there is a wind produced, as a river out of several springs. And this seems to be so, because it hath been observed by the ancients, that many winds, in those places where they begin, do at first blow but softly, which afterward grow stronger and increase in their progress like unto rivers.

5. There are some places in the sea, and some lakes also, which swell extremely when there is no wind stirring, which apparently proceeds from some subterraneal wind.

6. There is great quantity of subterraneal spirit required to shake or cleave the earth; less will serve turn for the raising of water. Wherefore earthquakes come but seldom, risings and swellings of waters are more frequent.

7. Likewise it is everywhere taken notice of that waters do somewhat swell and rise before tempests.

8. The weak subterraneal spirit which is breathed out scatteringly is not perceived upon the earth until it be gathered into wind, by reason the earth is full of pores; but when it issues from under the water, it is presently perceived (by reason of the water's continuity) by some manner of swelling.

9. We resolved before that in cavernous and denny places there were attendant winds; insomuch that those winds seem to have their local beginnings out of the earth.

10. In great and rocky hills winds are found to breathe sooner, (namely, before they be perceived in the valleys,) and more frequently, (namely, when it is calm weather in the valleys,) but all mountains and rocks are cavernous and hollow.

11. In Wales, in the county of Denbigh, a mountainous and rocky country, out of certain caves (as Gilbertus relateth) are such vehement eruptions of wind, that clothes or linen laid out there upon any occasion, are blown up, and carried a great way up into the air.

12. In Aber Barry, near Severn in Wales, in a rocky cliff, are certain holes, to which if you lay your ear, you shall hear divers sounds and murmurs of winds under ground.

An indirect experiment.

Acosta hath observed that the towns of Plata and Potosi, in Peru, are not far distant one from the other, and both situated upon a high and hilly ground, so that they differ not in that; and yet Potosi hath a cold and winter-like air, and Plata hath a mild and spring-like temperature, which difference it seems may be attributed to the silver mines which are near Potosi; which showeth that there are breathing-places of the earth, as in relation to hot and cold.

13. If the earth be the first cold thing, according to Parmenides, (whose opinion is not contemptible, seeing cold and density are knit together by a strict knot,) it is no less probable that there are hotter breaths sent out from the central cold of the earth than are cast down from the cold of the higher air.

14. There are certain wells in Dalmatia, and the country of Cyrene, (as some of the ancients record,) into which if you cast a stone, there will presently arise tempests, as if the stone had broken some covering of a place, in which the force of the winds was enclosed.

An indirect experiment.

Ætna and divers other mountains cast out fire; therefore it is likely that air may likewise

break forth, especially being dilatated and set into motion by heat in subterraneal places.

15. It hath been noted, that both before and after earthquakes there hath blown certain noxious and foreign winds; as there are certain little smothers usually before and after great firings and burnings.

Monition. The air shut up in the earth is forced to break out for several causes: sometimes a mass of earth, ill joined together, falls into a hollow place of the earth; sometimes waters do ingulf themselves; sometimes the air is extended by subterraneal heats, and seeks for more room: sometimes the earth, which before was solid and vaulted, being by fires turned into ashes, no longer able to bear itself up, falls. And many such like causes.

And so these inquisitions have been made concerning the first local beginning of winds. Now followeth the second origin, or beginning from above, namely, from that which they call the middle region of the air.

Monition. But let no man understand what hath been spoken so far amiss, as if we should deny the rest of the winds also are brought forth of the earth by vapours. But this first kind was of winds which come forth of the earth, being already perfectly framed winds.

16. It hath been observed, that there is a murmuring of woods before we do plainly perceive the winds, whereby it is conjectured that the wind descends from a higher place, which is likewise observed in hills, (as we said before,) but the cause is more ambiguous, by reason of the concavity and hollowness of the hills.

17. Wind follows darted, or (as we call them) shooting stars, and it comes that way as the star hath shot; whereby it appears that the air hath been moved above, before the motion comes to us.

18. The opening of the firmament and dispersion of clouds, are prognostics of wind before they blow here on earth, which also shows that the winds begin above.

19. Small stars are not seen before the rising of winds, though the night be clear and fair; because (it should seem) the air grows thick, and is less transparent, by reason of that matter which afterward is turned into wind.

20. There appear circles about the body of the moon, the sun looks sometimes blood-red at its setting, the moon rises red at her fourth rising; and there are many more prognostics of winds on high, (whereof we will speak in its proper place,) which shows that the matter of the winds is there begun and prepared.

21. In these experiments you must note that difference we speak of, namely, of the twofold generation of winds on high; that is to say, before the gathering together of vapours into a cloud, and after. For the prognostics of circles about, and colours of the sun and moon, have something of the cloud; but that darting and occultation of the lesser stars is in fair and clear weather.

22. When the wind comes out of a cloud ready formed, either the cloud is totally dispersed, and turned into wind, or it is torn and rent in sunder, and the winds break out, as in a storm.

23. There are many indirect experiments in the world concerning the repercussion by cold. So that, it being certain that there are most extreme colds in the middle region of the air, it is likewise plain that vapours, for the most part, cannot break through that place without being joined and gathered together, or darted, according to the opinion of the ancients, which in this particular is true and sound.

The third local beginning of winds is of those which are engendered here in the lower part of the air, which we also call swellings or overburdenings of the air; a thing very familiar and frequent, yet passed over with silence.

A Commentation. The generation of those winds which are made up in this lower part of the air, is a thing no more obscure than this: namely, that the air newly composed and made up of water, and attenuated and dissolved vapours, joined with the first air, cannot be contained within the same bounds as it was before, but groweth out and is turned, and takes up further room. Yet there are in this two things to be granted: First, that one drop of water turned into air, (whatsoever they fabulously speak of the tenth proportion of the elements,) requires at least a hundred times more room than it had before. Secondly, that a little new air, and moved, added to the old air, shaketh the whole, and sets it into motion; as we may perceive by a little wind that comes forth of a pair of bellows, or in at a little crevice of a window or wall, that will set all the air which is in a room in motion, as appears by the blazing of the lights which are in the same room.

24. As the dews and mists are engendered here in the lower air, never coming to be clouds, nor penetrating to the middle region of the air: in the like manner are also many winds.

25. A continual gale blows about the sea, and other waters, which is nothing but a small wind newly made up.

26. The rainbow, which is, as it were, the lowest of meteors, and nearest to us, when it doth not appear whole, but curtailed, and, as it were, only some pieces of the horns of it, is dissolved into winds, as often, or rather oftener than into rain.

27. It hath been observed, that there are some winds in countries which are divided and separated by hills, which ordinarily blow on the one side of the hills, and do not reach to the other, whereby it manifestly appears that they are engendered below the height of the said hills.

28. There are an infinite sort of winds that

blow in fair and clear days, and also in countries where it never rains, which are engendered where they blow, and never were clouds, nor did ever ascend in the middle region of the air.

Indirect experiments.

Whosoever shall know how easily a vapour is dissolved into air, and how great a quantity of vapours there are, and how much room a drop of water turned into air takes up more than it did before, (as we said already,) and how little the air will endure to be thrust up together, will, questionless, affirm, that of necessity winds must be everywhere engendered, from the very superficies of the earth, even to the highest parts of the air. For it cannot be, that a great abundance of vapours, when they begin to be dilatated and expanded, can be lifted up to the middle region of the air, without an overburdening of the air, and making a noise by the way.

Accidental Generations of Winds.

To the ninth article. Connexion.

We call those accidental generations of winds which do not make or beget the impulsive motion of winds, but with compression do sharpen it, by repercussion turn it, by sinuation or winding do agitate and tumble it, which is done by extrinsical causes, and the posture of the adjoining bodies.

1. In places where there are hills which are not very high, bordering upon valleys, and beyond them again higher hills, there is a greater agitation of the air, and sense of winds, than there is in mountainous or plain places.

2. In cities, if there be any place somewhat broader than ordinary and narrow goings out, as portals or porches, and cross streets, winds and fresh gales are there to be perceived.

3. In houses cool rooms are made by winds, or happen to be so where the air bloweth through, and comes in on the one side and goeth out at the other. But much more if the air comes in several ways and meets in the corners, and hath one common passage from thence: the vaulting likewise and roundness doth contribute much to coolness, because the air, being moved, is beaten back in every line. Also, the winding of porches is better than if they were built straight out. For a direct blast, though it be not shut up, but hath a free egress, doth not make the air so unequal and voluminous, and waving, as the meeting at angles and hollow places, and windings round, and the like.

4. After great tempests at sea an accidental wind continues for a time, after the original is laid, which wind is made by the collision and percussion of the air, through the curling of the waves.

5. In gardens commonly there is a repercussion of wind, from the walls and banks, so that one would imagine the wind to come the contrary way from that whence it really comes.

6. If hills enclose a country on the one side, and the wind blows for some space of time from the plain against the hill, by the very repercussion of the hill, either the wind is turned into rain, if it be a moist wind, or into a contrary wind, which will last but a little while.

7. In the turnings of a promontory, mariners do often find changes and alterations of winds.

Extraordinary Winds and sudden Blasts.

To the tenth article. Connexion.

Some men discourse of extraordinary winds, and derive the causes of them; of clouds breaking, or storms, vortice, typhone, prestere; or, in English, whirlwinds. But they do not relate the thing itself, which must be taken out of chronicles and several histories.

1. Sudden blasts never come in clear weather, but always when the sky is cloudy and the weather rainy. That it may justly be thought that there is a certain eruption made; the blasts driven out and the waters shaken.

2. Storms which come with a mist and a fog, and are called Bellua, and bear up themselves like a column, are very vehement and dreadful to those who are at sea.

3. The greater typhones, who will take up at some large distance, and sup them, as it were, upward, do happen but seldom, but small whirlwinds come often.

4. All storms and typhones, and great whirlwinds, have a manifest precipitous motion or darting downwards, more than other winds, so as they seem to fall like torrents, and run, as it were, in channels, and be afterwards reverberated by the earth.

5. In meadows, haycocks are sometimes carried on high and spread abroad there like canopies; likewise in fields, cocks of pease, reaped wheat, and clothes laid out to drying, are carried up by whirlwinds as high as tops of trees and houses, and these things are done without any extraordinary force or great vehemency of wind.

6. Also, sometimes there are very small whirlwinds, and within a narrow compass, which happen also in fair, clear weather; so that one that rides may see the dust or straws taken up and turned close by him, yet he himself not feel the wind much, which things are done questionless near unto us, by contrary blasts driving one another back, and causing a circulation of the air by concussion.

7. It is certain, that some winds do leave manifest signs of burning and scorching in plants; but presterem, which is a kind of dark lightning, and hot air without any flame, we will put off to the inquisition of lightning.

Helps to Winds; namely, to Original Winds; for of accidental ones we have inquired before.

To the eleventh, twelfth, thirteenth, fourteenth, and fifteenth articles. Connexion.

Those things which have been spoken by the ancients, concerning winds and their causes, are merely confused and uncertain, and for the most part untrue; and it is no marvel, if they see not clear that look not near. They speak as if wind were somewhat else, or a thing several from moved air; and as if exhalations did generate and make up the whole body of the winds; and as if the matter of winds were only a dry and hot exhalation; and as if the beginning of the motion of winds were but only a casting down and percussion by the cold of the middle region, all fantastical and arbitrary opinions; yet out of such threads they weave long pieces, namely, cobwebs. But all impulsion of the air is wind; and exhalations mixed with the air contribute more to the motion than to the matter; and moist vapours, by a proportionate heat, are easier dissolved into wind than dry exhalations, and many winds are engendered in the lowest region of the air, and breathe out of the earth, besides those which are thrown down and beaten back.

1. The natural wheeling of the air, (as we said in the article of general winds,) without any other external cause, bringing forth winds perceptible within the tropics, where the conversion is in greater circles.

2. Next to the natural motion of the air, before we inquire of the sun, (who is the chief begetter of winds,) let us see whether any thing ought to be attributed to the moon, and other asters, by clear experience.

3. There arise many great and strong winds some hours before the eclipse of the moon; so that, if the moon be eclipsed in the middle of the night, the winds blow the precedent evening; if the moon be eclipsed towards the morning, then the winds blow in the middle of the precedent night.

4. In Peru, which is a very windy country, Acosta observes, that winds blow most when the moon is at the full.

Injunction. It were certainly a thing worthy to be observed, what power the ages and motions of the moon have upon the winds, seeing they have some power over the waters. As, for example, whether the winds be not in a greater commotion in full and new moons, than in her first and last quarters, as we find it to be in the flowings of waters. For, though some do conveniently feign the command of the moon to be over the waters, as the sun and planets over the air, yet it is certain, that the water and the air are very homogeneal bodies, and that the moon, next to the sun, hath most power over all things here below.

5. It hath been observed by men, that about the conjunctions of planets greater winds do blow.

6. At the rising of Orion there rise commonly divers winds and storms. But we must advise whether this be not because Orion rises in such a season of the year as is most effectual for the generation of winds; so that it is rather a concomitant than causing thing. Which may also very well be questioned concerning rain at the rising of the Hyades and the Pleiades, and concerning storms at the rising of Arcturus. And so much concerning the moon and stars.

7. The sun is, questionless, the primary efficient of many winds, working by its heat on a twofold matter, namely, the body of the air, and likewise vapours and exhalations.

8. When the sun is most powerful, it dilatates and extends the air, though it be pure and without any commixion, one-third part, which is no small matter; so that, by mere dilatation, there must needs arise some small wind in the sun's ways; and that rather two or three hours after its rising, than at his first rise.

9. In Europe the nights are hotter, in Peru, three hours in the morning, and all for one cause, namely, by reason of winds and gales ceasing and lying still at those hours.

10. In a vitro calendari, dilatated or extended air beats down the water, as it were, with a breath; but, in a vitro pileato, which is filled only with air, the dilatated air swells the bladder, as a manifest and apparent wind.

11. We have made trial of such a kind of wind in a round tower, every way closed up. For we have placed a hearth or fireplace in the midst of it, laying a fire of charcoal thoroughly kindled upon it, that there might be the less smoke, and on the side of the hearth, at a small distance, hath been a thread hung up with a cross of feathers, to the end that it might easily be moved. So, after a little stay, the heat increasing, and the air dilatating, the thread, and the feather cross which hung upon it, waved up and down in a various motion; and, having made a hole in the window of the tower, there came out a hot breath, which was not continual, but with intermission and waving.

12. Also, the reception of air by cold, after dilatation, begets such a wind, but weaker, by reason of the lesser force of cold. So that, in Peru, under every little shadow, we find not only more coolness than here with us, (by antiperistasis,) but a manifest kind of gale through the reception of air when it comes into the shade. And so much concerning wind occasioned by mere dilatation or reception of air.'

13. Winds proceeding from the mere motion of the air, without any commixion of vapours, are but gentle and soft. Let us see what may be said concerning vapoury winds, (we mean such as are engendered by vapours,) which may

be so much more vehement than the other, as dilatation of a drop of water turned into air exceeds any dilatation of air already made: which it doth by many degrees, as we showed before.

14. The efficient cause of vapoury winds (which are they that commonly blow) is the sun, and its proportionate heat; the matter is vapours and exhalations which are turned and resolved into air. I say air, (and not any thing but air,) yet at the first not very pure.

15. A small heat of the sun doth not raise vapours, and consequently causes no wind.

16. A mean and middle heat of the sun raiseth and excites vapours, but doth not presently dissipate them. Therefore, if there be any great store of them, they gather together into rain, either simply of itself, or joined with wind: if there be but small store of them, they turn only to wind.

17. The sun's heat in its increase, inclines more to the generation of winds, in its decrease to rains.

18. The great and continued heat of the sun attenuates and disperses vapours and sublimes them, and withal equally mixes and incorporates them with the air, whereby the air becomes calm and serene.

19. The more equal and continuate heat of the sun is less apt for the generation of winds; that which is more unequal and intermitted is more apt. Wherefore in sailing into Russia they are less troubled with winds than in the British sea, because of the length of the days; but in Peru under the equinoctial are frequent winds, by reason of the great inequality of heat, taking turns night and day.

20. In vapours is to be considered both the quantity and quality. A small quantity engenders weak winds, a mean or middle store stronger; great store engenders rain, either calm or accompanied with wind.

21. Vapours out of the sea and rivers, and overflown marshes, engender far greater quantity of winds than the exhalations of the earth. But those winds which are engendered on the land and dry places, are more obstinate, and last longer, and are, for the most part, such as are cast down from above. So that the opinion of the ancients in this, is not altogether unprofitable; but only that it pleased them, as in a manner dividing the inheritance, to assign rain to vapours, and to winds exhalations only, which things sound handsomely, but are vain in effect and substance.

22. Winds brought forth out of the resolutions of snow lying upon hills, are of a mean condition between water and land winds; but they incline more to water, yet they are more sharp and movable.

23. The dissolution of snow on snowy hills (as we observed before) always brings constant winds from that part.

24. Also, yearly northern winds about the rising of the dogstar, are held to come from the frozen ocean, and those parts about the arctic circle, where the dissolutions of snow and ice come late when the summer is far spent.

25. Those masses or mountains of ice which are carried towards Canada and Greenland do rather breed cold gales than movable winds.

26. Winds which arise from chalky and sandy grounds, are few and dry, and in hotter countries they are sultry, smoky, and scorching.

27. Winds made of sea vapours do easilier turn back into rain, the water redemanding and claiming its rights; and if this be not granted them, they presently mix with air, and so are quiet. But terrestrial, smoky, and unctuous vapours are both hardlier dissolved and ascend higher, and are more provoked in their motion, and oftentimes penetrate the middle region of the air, and some of them are matter of fiery meteors.

28. It is reported here in England, that in those days that Gascoine was under our jurisdiction, there was a petition offered to the king by his subjects of Bordeaux, and the confines thereof, desiring him to forbid the burning of heath in the counties of Sussex and Southampton, which bred a wind towards the end of April which killed their vines.

29. The meeting of winds, if they be strong, bring forth vehement and whirling winds; if they be soft and moist, they produce rain, and lay the wind.

30. Winds are allayed and restrained five ways. When the air, overburdened and troubled, is freed by the vapours contracting themselves into rain; or when vapours are dispersed and subtilized, whereby they are mixed with the air, and agree fairly with it, and they live quietly; or when vapours or fogs are exalted and carried up on high, so that they cause no disturbance until they be thrown down from the middle region of the air, or do penetrate it; or when vapours, gathered into clouds, are carried away into other countries, by other winds blowing on high, so that for them there is peace in those countries which they fly beyond; or, lastly, when the winds, blowing from their nurseries, languish through a long voyage, finding no new matter to feed on, and so their vehemency forsakes them, and they do as it were expire and die.

31. Rain, for the most part, allayeth winds, especially those which are stormy; as winds, contrariwise, oftentimes keep off rain.

32. Winds do contract themselves into rain, (which is the first of the five, and the chiefest means of allaying them,) either being burdened by the burden itself, when the vapours are copious, or by the contrary motions of winds, so they be calm and mild; or by the opposition of mountains and promontories, which stop the violence of the winds, and, by little and little, turn them

against themselves; or by extreme colds, whereby they are condensed and thickened.

33. Smaller and lighter winds do commonly rise in the morning, and go down with the sun, the condensation of the night air being sufficient to receive them; for air will endure some kind of compression without stirring or tumult.

34. It is thought that the sound of bells will disperse lightning and thunder: in winds it hath not been observed.

Monition. Take advice from the place in prognostics of winds; for there is some connexion of causes and signs.

35. Pliny relates, that the vehemence of a whirlwind may be allayed by sprinkling of vinegar in the encounter of it.

The Bounds of Winds.

To the sixteenth, seventeenth, and eighteenth articles.

1. It is reported of Mount Athos, and likewise of Olympus, that the priests would write in the ashes of the sacrifices which lay upon the altars, built on the tops of those hills, and when they returned the year following, (for the offerings were annual,) they found the same letters undisturbed and uncancelled, though those altars stood not in any temple, but in the open air. Whereby it was manifest, that in such a height there had neither fallen rain nor wind blown.

2. They say that on the top of the Peak of Teneriffe, and on the Andes, betwixt Peru and Chili, snow lieth upon the borders and sides of the hills, but that on the tops of them there is nothing but a quiet and still air, hardly breatheable by reason of its tenuity, which, also, with a kind of acrimony, pricks the eyes and orifice of the stomach, begetting in some a desire to vomit, and in others a flushing and redness.

3. Vapoury winds seem not in any great height, though it be probable that some of them ascend higher than most clouds. Hitherto of the height; now we must consider of the latitude.

4. It is certain that those spaces which winds take up are very various, sometimes they are very large, sometimes little and narrow: winds have been known to have taken up a hundred miles' space with a few hours' difference.

5. Spacious winds (if they be of the free kind) are, for the most part, vehement, and not soft, and more lasting; for they will last almost four-and-twenty hours. They are likewise not so much inclined to rain. Strait or narrow winds, contrariwise, are either soft or stormy, and always short.

6. Fixed and stayed winds are itinerary or travelling, and take up very large spaces.

7. Stormy winds do not extend themselves into any large spaces, though they always go beyond the bounds of the storm itself.

8. Sea winds always blow within narrower spaces than earth winds, as may sometimes be seen at sea, namely, a pretty fresh gale in some part of the water, (which may be easily perceived by the crisping of it,) when there is a calm, as smooth as glass, everywhere else.

9. Small whirlwinds (as we said before) will sometimes play before men as they are riding, almost like wind out of a pair of bellows. So much of the latitude; now we must see concerning the lastingness.

10. The vehement winds will last longer at sea, by reason of the sufficient quantity of vapours; at land they will hardly last above a day and a half.

11. Very soft winds will not blow constantly, neither at sea, nor upon the land, above three days.

12. The south wind is not only more lasting than the west, (which we set down in another place,) but likewise what wind soever it be that begins to blow in the morning, useth to be more durable and lasting than that which begins to blow at night.

13. It is certain that winds do rise, and increase by degrees, (unless they be mere storms,) but they allay sooner, sometimes as it were in an instant.

Succession of Winds.

To the nineteenth, twentieth, and twenty-first articles.

1. If the wind doth change according to the motion of the sun, that is, from east to south, from south to west, from west to north, from the north to the east, it doth not return often, or if it doth, it doth it but for a short time. But if it go contrary to the motion of the sun, that is, from the east to the north, from the north to the west, from the west to the south, and from the south to the east, for the most part it is restored to its first quarter, at least before it hath gone round its whole compass and circuit.

2. If rain begins first, and the wind begins to blow afterwards, that wind will outlast the rain; but if the wind blow first, and then is allayed by the rain, the wind for the most part will not rise again; and if it does, there ensues a new rain.

3. If winds do blow variously for a few hours, and as it were to make a trial, and afterward begin to blow constantly, that wind shall continue for many days.

4. If the south wind begin to blow two or three days, sometimes the north wind will blow presently after it. But if the north wind blows as many days, the south wind will not blow, until the wind have blown a little from the east.

5. When the year is declining and winter begins after autumn is past, if the south wind blows in the beginning of winter, and after it comes the north wind, it will be a frosty winter; but if the north wind blow in the beginning of winter, and the south wind come after, it will be a mild and warm winter.

6. Pliny quotes Eudoxus, to show that the order

of winds returns after every four years, which seems not to be true, for revolutions are not so quick. This indeed hath been by some men's diligence observed, that greatest and most notable seasons (for heat, snow, frost, warm winters, and cold summers) for the most part return after the revolution of five-and-thirty years.

The Motion of the Winds.

To the twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, and twenty-seventh articles. nexion.

Men talk as if the wind were some body of itself, and by its own force did drive and agitate the air. Also, when the wind changes its place, they talk as if it did transport itself into another place. This is the vulgar's opinion; yet the philosophers themselves apply no remedy thereunto, but they likewise stammer at it, and do not any way contradict and oppose these errors.

1. We must therefore inquire concerning the raising of the motion of the winds, and of the direction of it, having already inquired of the local beginnings; and of those winds which have their beginning of motion in their first impulsion, as in those which are cast down from above or blow out of the earth, the raising of their motion is manifest: others descend below their own beginnings; others ascend, and being resisted by the air, become voluminous, especially near the angles of their violence; but of those which are engendered everywhere in this inferior air, (which are the frequentest of all the winds,) the inquisition seems to be somewhat obscure, although it be a vulgar thing, as we have set down in the commentation under the eighth article.

2. We found likewise an image or representation of this in that close tower which we spake of before; for we varied that trial three ways. The first was that which we spake of before; namely, a fire of clear burning coals. The second was a kettle of seething water, the fire being set away, and then the motion of the cross of feathers was more slow and dull. The third was with both fire and kettle; and then the agitation of the cross of feathers was very vehement, so that sometimes it would whirl up and down, as if it had been in a petty whirlwind, the water yielding store of vapours, and the fire which stood by it dissipating and dispersing them.

3. So that the chief cause of exciting motion in the winds is the overcharging of the air by a new addition of air engendered by vapours. Now we must see concerning the direction of the motion, and of the whirling, which is a change of the direction.

4. The nurseries and food of the winds doth govern their progressive motion; which ---- series and feedings are like unto the springs of rivers; namely, the places where there are great store of vapours, for there is the native country of the winds. Then, when they have found a current, where the air makes no resistance, (as water when it finds a falling way,) then, whatsoever semblable matter they find by the way, they take into their fellowship, and mix it with their currents even as rivers do. So that the winds blow always from that side where their nurseries are which feed them.

5. Where there are no notable nurseries in any certain place, the winds stray very much, and do easily change their current, as in the middle of the sea, and large spacious fields.

6. Where there are great nurseries of the winds in one place, but in the way of its progress it hath but small additions, there the winds blow strongly in their beginnings, and by little and little they allay; and contrariwise, where they find good store of matter to feed on by the way, they are weak in the beginning, but gather strength by the way.

7. There are movable nurseries for the winds, namely, in the clouds, which many times are carried far away from the nurseries of vapours of which those clouds were made, by winds blowing high; then the nursery of the wind begins to be in that place where the clouds do begin to be dissolved into wind.

8. But the whirling of winds does not happen, because the wind which blows at first transports itself, but because either that is allayed and spent, or brought into order by another wind; and all this business depends on the various placings of the nurseries of winds, and variety of times, when vapours issuing out of these nurseries are dissolved.

9. If there be nurseries of winds on contrary parts, as one nursery on the south, another on the north side, the strongest wind will prevail; neither will there be contrary winds, but the stronger wind will blow continually, though it be somewhat dulled and tamed by the weaker wind, as it is in rivers, when the flowing of the sea comes in; for the sea's motion prevails, and is the only one, but it is somewhat curbed by the motion of the river; and if it so happen that one of those contrary winds, namely, that which was the strongest, be allayed, then presently the contrary will blow from that side where it blew before, but lay hidden under the force and power of the greater.

10. As for example, if the nursery be at the north-east, the north-east wind will blow; but if there be two nurseries of winds, namely, another in the north, those winds for some tract of way will blow severally, but after the angle of confluence where they come together they will blow to the north-east, or with some inclination, according as the other nursery shall prove stronger.

11. If there be a nursery of wind on the north side, which may be distant from some country twenty miles, and is the stronger; another on the

east side, which is distant some ten miles, and is weaker; yet the east wind will blow for some hours, and a while after (namely, when its journey is ended) the north wind.

12. If the northern wind blow, and some hill stands in the way of it on the west side, a little while after the north-east wind will blow, compounded by the original, and that which is beaten back again.

13. If there be a nursery of winds in the earth on the northern side, and the breath thereof be carried directly upward, and it find a cold cloud on the west side, which turns it off the contrary way, there will blow a north-east wind.

14. *Monition.* Nurseries of winds in sea and land are constant, so that the spring and beginning of them may be the better perceived; but the nurseries of winds in the clouds are movable, so that in one place there is matter furnished for the winds, and they are formed in another, which makes the direction of motion in winds to be more confused and uncertain.

Those things we have produced for example's sake, the like are after the like manner; and hitherto of the direction of the motion of winds: now we must see concerning the longitude, and, as it were, the itinerary or journey of the winds, though it may seem we have already inquired of this under the notion of the latitude of winds; for latitude may by unlearned men also be taken for longitude, if winds take up more space laterally than they go forward in longitude.

14. If it be true that Columbus could upon the coasts of Portugal judge of the continent of America by the constant winds from the west, truly, the winds can travel a long journey.

15. If it be true that the dissolution of snows about the frozen seas, and Scandia do excite and raise northerly winds in Italy and Greece, &c., in the dogdays, surely these are long journeys.

16. It hath not yet been observed how much sooner a storm does arrive, according to the way it comes, (as for example, if it be an eastern wind,) how much sooner it comes from the east, and how much later from the west. And so much concerning the motion of winds in their progression or going forward: now we must see concerning the undulation or swelling of winds.

17. The undulation or swelling of winds is done in a few moments, so that a wind will (though it be strong) rise and fall by turns, at the least a hundred times in an hour; whereby it appears that the violence of winds is unequal; for neither rivers, though swift, nor currents in the sea, though strong, do rise in waves, unless the blowing of wind be joined thereunto, neither hath the swelling of winds any equality in itself; for like unto the pulse of one's hand, sometimes it beats, and sometimes it intermits.

18. The undulation or swelling of the air differs from the swelling of waters into waves in this, that in waters, after the waves are risen on high, they of themselves, and their own accord, do again fall to the place of them; whence it comes that (whatsoever poets say when they aggravate tempests, namely, that the waves are raised up to heaven, and again sink down to hell) the descent of the waves do not precipitate much below the plane and superficies of the water. But in the swelling of the air, where the motion of gravity or weight is wanting, the air is thrust down and raised almost in an equal manner. And thus much of undulation. Now we must inquire of the motion of conflict or striving.

19. The conflicts of winds and compounded conflicts we have partly inquired already. It is plain that winds are ubiquitary, especially the mildest of them. Which is likewise manifest by this, that there are few days and hours wherein some gales do not blow in free places, and that inconstantly and variously enough. For winds which do not proceed from greater nurseries are vagabond and voluble, as it were, playing one with the other, sometimes driving forward, and sometimes flying back.

20. It hath been seen sometimes at sea, that winds have come from contrary parts together, which was plainly to be perceived by the perturbation of the water on both sides, and the calmness in the middle between them; but after those contrary winds have met, either there hath followed a general calm of the water everywhere, namely, when the winds have broken and quelled one another equally; or the perturbation of the water hath continued, namely, when the stronger wind hath prevailed.

21. It is certain that, in the mountains of Peru, it hath often chanced that the wind at one time hath blown on the tops of the hills one way, and in the valleys the clean contrary way.

22. It is likewise certain here with us, that the clouds are carried one way, when the wind near us hath blown the contrary way.

23. It is likewise certain, that sometimes the higher clouds will outfly the lower clouds, so that they will go diverse, yea, and contrary ways, as it were in contrary currents.

24. It is likewise certain, that sometimes in the higher part of the air winds have been neither distracted nor moved forward; when here below they have been driven forward with a mad kind of violence, for the space of half a mile.

25. And it is likewise certain, contrariwise, that here below the air hath been very still, when above the clouds have been carried with a fresh and merry gale; but that happen more seldom.

An indirect experiment.

Likewise in waves, sometimes the upper water is swifter, sometimes the lower; and sometimes

there are (but that is seldom) several currents of water, of that which is uppermost, and that which lieth beneath.

26. Nor are Virgil's testimonies altogether to be rejected, he being not utterly unskilful in natural philosophy.

> Together rush the east and south-east wind,
> Nor doth wave calling south-west stay behind.

And again:

> I all the winds have seen their battles join.

We have considered of the motions of winds, in the nature of things: we must now consider their motions in human engines; and, first of all, in the sails of ships.

The Motion of Winds in the Sails of Ships.

1. In our greatest Britain ships (for we have chosen those for our pattern) there are four masts, and sometimes five, set up one behind the other, in a direct line drawn through the middle of the ship. Which masts we will name thus:

2. The mainmast, which stands in the middle of the ship; the foremast, the mizenmast, (which is sometimes double,) and the spritmast.

3. Each mast consists of several pieces, which may be lifted up, and fashioned with several knots and joints, or taken away; some have three of them, some only two.

4. The spritsail-mast from the lower joint lies bending over the sea, from that it stands upright; all the other masts stand upright.

5. Upon these masts hang ten sails, and when there be two mizenmasts, twelve; the mainmast and foremast have three tiers of sails, which we will call the mainsail, the topsail, and the main-topsail; the rest have but two, wanting the main-topsail.

6. The sails are stretched out across, near the top of every joint of the mast, by certain beams which we call yards, to which the upper parts of the sails are fastened, the lower parts are fastened with ropes at each corner; the mainsails to the sides of the ship, top and main-topsails to the yards which are next below them.

7. The yard of every mast hangs across, only the yards of the mizenmast hang sloping, one end up, and the other down; in the rest they hang straight across the masts, like unto the letter T.

8. The mainsails of the mainmast, foremast, and boarsprit, are of a quadrangular parallellogram form; the top and main-topsails somewhat sharp, and growing narrow at the top; but the top mizensails are sharp, the lower or mainsails triangular.

9. In a ship of eleven hundred tons, which was one hundred and twelve feet long in the keel, and forty in breadth in the hold; the mainsail of the mainmast was two-and-forty feet deep, and eighty-seven feet broad.

10. The topsail of the same mast was fifty feet deep, and eighty-four feet broad at the bottom, and forty-two at the top.

11. The main-topsail was seven-and-twenty feet deep, and two-and-forty broad at the bottom, and one-and-twenty at the top.

12. The foremast mainsail was forty feet and a half deep, and seventy-two feet broad.

13. The topsail was six-and-forty feet and a half deep, and sixty-nine feet broad at the bottom, and six-and-thirty at the top.

14. The main-topsail was four-and-twenty feet deep, six-and-thirty feet broad at the bottom, and eighteen feet at the top.

15. The mizen-mainsail was on the upper part of the yard one-and-fifty feet broad; in that part which was joined to the yard seventy-two feet; the rest ending in a sharp point.

16. The topsail was thirty feet deep, fifty-seven feet broad at the bottom, and thirty feet at the top.

17. If there be two mizenmasts, the hindermost sails are less than the foremast about the fifth part.

18. The mainsail of the boarsprit was eight-and-twenty feet deep and a half, and sixty feet broad.

19. The topsail five-and-twenty feet and a half deep, and sixty feet broad at the bottom, and thirty at the top.

20. The proportions of masts and sails do vary, not only according to the bigness of ships, but also according to the several uses for which they are built: some for fighting, some for merchandise, some for swiftness, &c. But the proportion of the dimension of sails is no way proportioned to the number of tons whereof the ships consist, seeing a ship of five hundred tons, or thereabout, may bear almost as large a sail as the other we speak of, which was almost as big again. Whence it proceeds that lesser ships are far swifter and speedier than great ones, not only by reason of their lightness, but also by reason of the largeness of their sails, in respect of the body of the ship; for to continue that proportion in bigger ships would be too vast and impossible a thing.

21. Each sail being stretched out at the top, and only tied by the corners at the bottom, the wind must needs cause it to swell, especially about the bottom, where it is slacker.

22. The swelling is far greater in the lower sails than in the upper, because they are not only parallelograms, and the other more pointed at the top, but also because the extent of the yard doth so far exceed the breadth of the ship's sides to which they are fastened, that of necessity, because of the looseness, there must be a great receipt for the wind; so that in the great ship which we proposed for an example, the swelling of the sail in a direct wind may be nine or ten feet inward.

23. By the same reason it also happens that all sails which are swelled by the wind, do gather themselves into a kind of arch or bow, so that of necessity much wind must slip through; insomuch, that in such a ship as we made mention of, that arch may be as high as a man.

24. But in the triangular sail of the mizenmast there must of necessity be a lesser swelling than in the quadrangular; as well because that figure is less capable, as, also, because that in the quadrangular three sides are slack and loose, but in the triangular only two, so that the wind is more sparingly received.

25. The motion of the wind in sails, the nearer it comes to the beak of the ship, the stronger it is, and sets the ship more forward, partly because it is in a place where, because of the sharpness of the beak-head, the waves are easilier cut in sunder; but, chiefly, because the motion at the beak draws on the ship; the motion from the stern and back part of the ship doth but drive it.

26. The motion of the winds in the sails of the upper tier advances more than that in the lower tier, because a violent motion is most violent when it is farthest removed from resistance, as in the wings and sails of windmills; but there is danger of drowning or overturning the ship: wherefore those sails are made narrower at the top, that they should not take in too much wind, and are chiefly made use of when there is not much wind.

27. Sails being placed in a direct line, one behind the other, of necessity those sails which stand behind must steal the wind from the foremost when the wind blows foreright; wherefore, if they be all spread out at once, the force of the wind hath scarce any power but in the mainmast sails, with little help of the lower sails of the boarsprit.

28. The best and most convenient ordering of sails, in a direct wind, is to have the two lower sails of the foremast hoisted up, for there (as we said before) the motion is most effectual; let also the topsail of the mainmast be hoisted up, for there will be so much room left under it, that there may be wind sufficient for the foresails, without any notable stealing of the wind from them.

29. By reason of the hinder sails stealing of the wind away from the foresails, we sail swifter with a side wind than with a fore wind. For, with a side wind all the sails may be made use of, for they turn their sides to one another, and so hinder nor rob not one another.

30. Likewise, when a side wind blows, the sails are stifflier stretched out against the wind, which somewhat restrains the wind, and sends it that way as it should blow, whereby it gains some strength. But that wind is most advantageous which blows cornerly between a fore wind and a side wind.

31. The lower boarsprit-sail can hardly ever be unuseful, for it cannot be robbed from gathering, the wind which way soever it doth blow, either about the ship sides, or under the rest of the sails.

32. There is considerable* in the motion of winds in ships, both the impulsion and direction of them. For that direction, which is made by the helm, doth not belong to the present inquisition, but only as it hath a connexion with the motion of the winds in the sails.

Connexion. As the motion of impulsion or driving forward is in force at the beak, so is the motion of direction in the poop; therefore, for that the lower mizenmast sail is of greatest concernment, for it is, as it were, an assistant to the helm.

33. Seeing the compass is divided into two-and-thirty points, so that the semicircles of it are sixteen points, there may be a progressive sailing, (without any casting aboard, which is used when the wind is clean contrary,) though of the sixteen parts there be but six favourable, and the other ten contrary. But that kind of sailing depends much upon the lower sail of the mizenmast. For whilst the adverse parts of the wind, being more powerful and not to be opposed by the helm alone, would turn the other sails, and the ship itself, against its intended course, that sail being stiffly stretched, favouring the helm, and strengthening its motion, turns the beak into the way of its course.

34. All manner of wind in the sails doth somewhat burden and depress the ship, and so much the more when it blows most from above. So that in the greatest storms, first they lower their yards and take away the upper sails, and if need be, all the rest, cut down the masts, cast their goods into the sea, and their ordnance, &c., to lighten the ship and make it swim and give way to the waves.

35. By this motion of the winds in the sails of ships, (if it be a merry and prosperous gale,) a merchant's ship may sail sixscore Italian miles in four-and-twenty hours; for there are certain packet boats which are built a purpose for swiftness, (that are called caravels,) which will go further. But when the wind is clean contrary, they fly to this last refuge, and a very weak one, to go on their course, namely, to proceed sideway, as the wind will suffer them, out of their course, then turn their way again towards their course, and so proceed in an angular way. By which progression (which is less than creeping, for serpents creep on by crooked turnings, but they make angles) they may, in four-and-twenty hours, go fifteen miles' journey.

Greater Observations.

1. This motion of winds in sails of ships hath

* I. e. to be considered.

three chief heads and fountains of its impulsion, or driving forward, from whence it flows and derives; whence also precepts may be taken to increase and strengthen it.

2. The first spring comes from the quantity of the wind which is received; for questionless more wind helps more than less; wherefore the quantity of wind must be carefully procured, which will be done if, like wise householders, we be good husbands, and take care nothing be stolen from us. Wherefore we must be very careful that no wind may be lost.

3. The wind blows either above the ships or below them, to the very superficies and surface of the sea; and as provident men use to look most after the least things, (for the greater no man can choose but look after,) so we will first look after these lower winds, which questionless cannot perform so much as the higher.

4. As concerning the winds which blow chiefly about the sides of the ships, and under their sails, it is the office of the main boarsprit-sail, which lies low and sloping, to gather them into it, that there may be no waste nor loss of wind; and this of itself does good, and hinders not the wind which fills the other sails. And about this I do not see what can be done more by the industry of man, unless they should perchance fix such low sails out of the middle of the ship, like wings or feathers, two on each side when the wind blows right.

5. But, concerning the bewaring of being robbed, which happens when the hinder sails (in a fore-right wind) steal the wind away from the foresails, (for in a side wind all the sails are set a-work,) I know not what can be added to the care man hath already taken to prevent it, unless when there is a fore wind, there may be made a kind of stairs, or scale of sails, that the hindermost sails of the mizzenmast may be the lowest, the middle ones at the mainmast a little higher, the foremast, at the foremast, highest of all, that one sail may not hinder but rather help the other, delivering and passing over the wind from one to another. And let so much be observed of the first fountain of impulsion.

6. The second fountain of impulsion consists in the manner of striking the sail with the wind, which, if through the contraction of the wind it be acute and swift, will move more; if obtuse and languishing, less.

7. As concerning this, it is of great moment, and much to the purpose, to let the sails have a reasonable extension and swelling; for if they be stretched out stiff, they will, like a wall, beat back the wind; if they be too loose, there will be a weak impulsion.

8. Touching this, human industry hath behaved itself well in some things, though it was more by chance than out of any good judgment. For, in a side wind, they gather up that part of the sail as much as they can which is opposite against the wind: and by that means they set in the wind into that part where it should blow. And this they do and intend. But, in the mean season, this follows, (which, peradventure, they do not perceive,) that the wind is more contracted, and strikes more sharply.

9. What may be added to human industry in this, I cannot perceive, unless the figure of the sails be changed, and some sails be made which shall not swell round, but, like a spur or a triangle, with a mast or piece of timber in that corner of the top, that they may contract the wind more sharply, and cut the outward air more powerfully. And that angle (as we suppose) must not be altogether sharp, but like a short obtuse triangle, that it may have some breadth. Neither do we know what good it would do, if there were, as it were, a sail made in a sail; if, in the middle of a greater sail, there were a kind of a purse, not altogether loose, of canvass, but with ribs of wood, which should take up the wind in the middle of the sail, and bring it into a sharpness.

10. The third fountain or original of impulsion, is in the place where the wind hits, and that is twofold; for, from the fore side of the ship the impulsion is easier and stronger than on the hinder part; and from the upper part of the mast and sail than from the lower part.

11. Neither seems the industry of man to have been ignorant of this, when, in a fore-wind, their greatest hopes have been in their foremasts, and in calms they have have not been careless in hoisting up of their topsails. Neither, for the present, do we find what may be added to human industry in this point, unless concerning the first we should set up two or three foremasts, (the first upright and the rest sloping,) whose sails shall hang downward; and, as for the second, that the foresails should be enlarged at the top, and made less sharp than they usually are: but, in both, we must take heed of the inconvenience of danger, in sinking the ship too much.

The Motion of Winds in other Engines of Man's Invention.

1. The motion of windmills hath no subtilty at all in it; and yet, usually, it is not well explained nor demonstrated. The sails are set right and direct opposite against the wind which bloweth. One side of the sail lies to the wind, the other side by little and little bends itself, and gets itself away from the wind. But the turning and continuance of the motion is always caused by the lower part, namely, that which is farthest from the wind. But the wind, overcasting itself against the engine, is contracted and restrained by the four sails, and is constrained to take its way in four spaces. The wind doth not well endure that compression; wherefore, of necessity it must, as it were, with its elbow hit the sides

of the sails, and so turn them, even as little whirligigs that children play withal, are turned with the fingers.

2. If the sails were extended even and equally, it would be doubtful which way the inclination would be, as in the fall of a staff; but when the nearer side which meets with the wind casts the violence of it upon the lower side and from thence into distances, so that when the lower side receives the wind, like the palm of the hand, or the sail of a ship's boat, presently there is a turning on that side. But this is to be observed, that the beginning of the motion proceeds not from the first impulsion, which is direct and abreast, but from the lateral impulsion, which is after the compression or straitening of the wind.

3. We made some proofs and trials about this, for the increasing of this motion, as well to be assured we had found the cause, as also for use; feigning an imitation of this motion, with paper sails, and the wind of a pair of bellows. We, therefore, added to the side of the lower sail a fold turned in from the wind, that the wind being become a side wind might have somewhat more to beat upon, which did no good, that fold not so much assisting the percussion of the wind, as in consequence hindering the cutting of the air. We placed behind the sails, at some distance, certain obstacles as broad as the diameter of all the sails, that the wind being more compressed might hit the stronger; but this did rather hurt than good, the repercussion dulling the primary motion. Then we made the sails of a double breadth, that the wind might be the more restrained, and there might be a stronger lateral percussion, which at last proved very well; so that the conversion was caused by a far milder gale, and did turn a great deal more swiftly.

Mandate. Peradventure this increase of motion might more conveniently be made by eight sails, than by four, doubling the breath, unless too much weight did overburden the motion; which must have trial made of it.

Mandate. Likewise the length of sails doth much conduce to the motion. For in wheelings a slight violence about the circumference is equivalent to a far greater about the centre. But then this inconvenience follows, that the longer the sails are, the more distant they are at the top, and the wind is so much the less straitened. Peradventure the business would go well if the sails were a little longer and broader towards the top, like the outermost end of an oar. But this we are not sure of.

Motion. If these experiments be made trial of in windmills, care must be taken of the windmill posts, and the foundations of it; for the more the wind is restrained, the more it shakes (though it swiftens the motion of the sails) the whole frame of the mill.

4. It is reported that in some countries there are coaches and wagons which move with the wind; but this must be more diligently looked after.

Mandate. Chariots moving by virtue of the wind can be of no use, unless it be in open places and plains; besides, what will be done if the wind allays? It had been better to have thought of easing the motion of wagons and coaches by sails, which might be set up and taken down, to ease the oxen or horses which draw them, rather than to make a motion by wind alone.

Prognostics of Winds.

To the two-and-thirtieth article. Connexion.

The more divination useth to be polluted by vanity and superstition, so much more is the purer part of it to be received and honoured. But natural divination is sometimes more certain, sometimes more slippery and deceitful, according to the subject with which it hath to do; for if it be of a constant and regular nature, it causeth a certain prediction; if it be of a variable and irregular nature, it may make a casual and deceitful one: yet, in a various subject the prediction will hold true, if it be diligently regulated; peradventure it may not hit upon the very moments, but in the thing itself it will not err much. Likewise, for the times of the event and complement, some predictions will hit right enough, namely, those which are not gathered from the causes, but from the thing itself, already inchoated, but sooner appearing in an apt and fitly disposed matter than in another, as we said before in the topics concerning this two-and-thirtieth article. We will now, therefore, set forth the prognostics of winds, of necessity intermixing some of rain and fair weather, which could not conveniently be separated, remitting the full inquiry of them to their proper titles.

1. If the sun appears hollow at its rising, it will the very same day yield wind or rain; if it appears as it were a little hollow, it signifies wind: if deeply hollow, rain.

2. If the sun rises pale, or (as we call it) waterish, it betokens rain; if it set so, it betokens wind.

3. If the body of the sun itself appears at its setting of the colour of blood, it betokens great winds for many days.

4. If at sunrising its beams appears rather red than yellow, it signifies wind rather than rain, and the like if they appear so at its setting.

5. If at sunrising or setting its rays appear contracted or shortened, and do not shine out bright, though the weather be not cloudy, it signifies rain rather than wind.

6. If before sunrising there appear some rays as forerunners, it signifies both wind and rain.

7. If the sun at its rising diffuses its rays through the clouds, the middle of the sun remaining still under clouds, it shall signify rain, especially if those beams break out downwards, that the sun appears as it were with a beard. But if the rays break forth out of the middle, or dispersed, and its exterior body, or the out parts of it, be covered with clouds, it foreshows great tempests both of wind and rain.

8. If the sun, when it rises, be encompassed with a circle, let wind be expected from that side on which the circle opens. But if the circle fall off all at one time it will be fair weather.

9. If at the setting of the sun there appears a white circle about it, it signifies some small storm the same night; if black or darkness, much wind the day following.

10. If the clouds look red at sunrising, they are prognostics of wind; if at sunsetting, of a fair ensuing day.

11. If about the rising of the sun clouds do gather themselves about it, they foreshow rough storms that day; but if they be driven back from the rising towards the setting of the sun, they signify fair weather.

12. If at sunrising the clouds be dispersed from the sides of the sun, some southward, and some northward, though the sky be clear about the sun, it foreshows wind.

13. If the sun goes down in a cloud, it foreshows rain the next day; but if it rains at sunsetting it is a token of wind rather. But if the clouds seem to be as it were drawn towards the sun, it signifies both wind and storms.

14. If clouds at the rising of the sun seem not to encompass it, but to lie over it, as if they were about to eclipse it, they foreshow the rising of winds on that side as the clouds incline. And if they do this about noon, they signify both wind and rain.

15. If the clouds have encompassed the sun, the less light they leave it, and the lesser the orb of the sun appears, so much the more raging shall the tempest be; but if there appear a double or treble orb, as though there were two or three suns, the tempest will be so much the more violent for many days.

16 New moons presage the dispositions of the air; but especially the fourth rising of it, as if it were a confirmed new moon. The full moons likewise do presage more than the days which come after.

17. By long observation the fifth day of the moon is feared by mariners for stormy.

18. If the new moon do not appear before the fourth day, it foreshows a troubled air for the whole month.

19. If the new moon, at her first appearance, or within a few days, have its lower horn obscure or dusky, or any way blemished, it signifies stormy and tempestuous days before the full moon; if it be ill coloured in the middle, tempests will come about the full of the moon; if it be so about the upper part of the horn, they will be about the decreasing of the moon.

20. If at the fourth rising the moon appear bright, with sharp horns, not lying flat, nor standing upright, but in a middle kind of posture between both, it promises fair weather for the most part until the next new moon.

21. If at the same rising it be red, it portends winds; if dusky or black, rain; but, howsoever, it signifies nothing beyond the full moon.

22. An upright moon is almost always threatening and hurtful, but it chiefly portends winds; but if it have blunt horns, and as it were cut off short, it rather signifies rain.

23. If one horn of the moon be sharp and the other blunt, it signifies wind; if both be blunt, rain.

24. If a circle or halo appear about the moon, it signifies rain rather than wind, unless the moon stands directly within that circle, for then it signifies both.

25. Circles about the moon always foreshow winds on that side where they break; also a notable shining in some part of the circle, signifies winds from that part where the shining is.

26. If the circles about the moon be double or treble, they foreshow horrible and rough tempests, and especially if those circles be not whole, but spotted and divided.

27. Full moons, as concerning the colours and circles, do in a manner foreshow the same things, as the fourth rising, but more present, and not so long delayed.

28. Full moons use to be more clear than the other ages of the moon, and in winter use to be far colder.

29. The moon appearing larger at the going down of the sun, if it be splendent and not dusky, betokens fair weather for many days.

30. Winds almost continually follow the eclipses of the moon, and fair weather the eclipses of the sun; rain comes after neither.

31. From the conjunctions of any of the planets, but only the sun, you may expect winds both before and after; from their conjunctions with the sun, fair weather.

32. At the rising of the Pleiades and Hyades come showers of rain, but calm ones; after the rising of Arcturus and Orion, tempests.

33. Returning and shooting stars (as we call them) signify winds to come from that place whence they run, or are shot; but if they fly from several, or contrary parts, it is a sign of great approaching storms of wind and rain.

34. When such little stars as those which are called Aselli are not seen generally all over the sky, it foreshows great tempests and rain within

some few days; but if they be seen in some places, and not in other some, it foreshows winds only, and that suddenly.

25. The sky, when it is all over bright, in a new moon, or at the fourth rising of it, portends fair weather for many days; if it be all over dark, it foreshows rain; if partly dark and partly fair, it portends wind of that side where the darkness is seen; but if it grow dark on a sudden, without either cloud or mist to dim the brightness of the stars, there are great and rough tempests a-breeding.

36. If an entire circle encloseth a planet, or any of the greater stars, it foreshows wind; if it be a broken circle, winds from those parts where the circle is deficient.

37. When the thunder is more than the lightnings, there will be great winds; but if the lightnings be thick amidst the thundering, it foreshows thick showers, with great drops.

38. Morning thunders signify wind; midday thunders, rain.

39. Bellowing thunders, which do as it were pass along, presage winds; and those which make a sharp and unequal noise, presage storms both of wind and rain.

40. When it lightens in a clear sky, winds are at hand, and rain from the part where it lightens; but if it lightens in diverse parts, there will follow cruel and horrid tempests.

41. If it lightens in the cold quarters of the heavens, namely, the east and north, hail will follow; if in the warmer, namely, south and west, we shall have rain and a warm sky.

42. Great heats after the summer solstice, and commonly with thunder and lightning, and if those come not, there will be wind and rain for many days.

43. The globe of flame, which the ancients called Castor, which is seen by mariners and seafaring men at sea, if there be but one, presages a cruel tempest, (Castor is the dead brother,) and much more, if it stick not close to the mast, but dances up and down; but if they be twins, (and Pollux the living brother be present,) and that when the tempest is high, it is a good presage; but if there be three, (namely, if Helen, the plague of all things, come in,) it will be a more cruel tempest: so that one seems to show the indigested matter of the storm; two, a digested and ripe matter; three or more, an abundance that will hardly be dispersed.

44. If we see the clouds drive very fast when it is a clear sky, we must look for winds from that way from which the clouds are driven; but if they wheel and tumble up together, when the sun draws near to that part in which they are tumbled up together, they will begin to scatter and sever; and if they part most towards the north, it betokens wind; if towards the south, rain.

45. If at sunsetting there arise black and dark clouds, they presage rain; if against the sun, namely, in the east, the same night; if near the sun in the west, the next day, with winds.

46. The clearing of a cloudy sky, if it begins against the wind which then blows, signifies clear, fair weather; with the wind it betokens nothing, but the thing remains uncertain.

47. There are sometimes seen, several, as it were, chambers, or joined stories of clouds, one above the other, (so as Gilbertus affirms, he hath seen five of them together,) and always the blackest are lowermost, though sometimes it appears otherwise, because the whitest do more allure the sight. A double conjunction of stories, if it be thick, shows approaching rain, (especially if the lower cloud seem, as it were, big with child;) more conjunctions presage continuance of rage.

48. If clouds spread abroad like fleeces of wool here and there, they foreshow tempests; but if they lie one atop of another, like scales or tiles, they presage drought and clear weather.

49. Feathered clouds, like to the boughs of a palm tree, or the flowers of a rainbow, are prognostics of present rain, or immediately to follow.

50. When hills and hillocks look as though they wore caps, by reason of the clouds lying upon them, and encompassing them, it presages imminent tempests.

51. Amber, or gold colour clouds before sunsetting, that have, as it were, gilded helms or borders, after the sun begins to be quite down, foreshow fair, clear weather.

52. Grayish, and, as it were, clay-coloured clouds, show that rain, with wind, are drawing on.

53. Some petty cloud showing itself suddenly, having not been seen before, and all the sky clear about it, especially if it be in the west, and about noon, shows there is a storm a-coming.

54. Clouds and mists ascending, and going upward, presage rain, and that this be done suddenly, so that they be, as it were, sucked up, they presage rain, but if they fall, and reside in the valleys, they presage fair weather.

55. A big cloud growing white, which the ancients called a white tempest, in summer, is a forerunner of small hail, like comfits, in winter, snow.

56. A fair and clear autumn presages a windy winter; a windy winter a rainy spring; a rainy spring, a clear summer; a clear summer, a windy autumn. So that the year (as the proverb goes) is seldom its own debtor, and the same order of seasons will scarce happen two years together.

57. Fires upon the hearth, when they look paler than they are accustomed, and make a murmuring noise within themselves, do presage tempests. And if the flame rises, bending and turning, it signifies wind chiefly; and when the snuffs of lamps and candles grow like mushrooms with broad heads, it is a sign of rainy weather.

58. Coals shining bright, and sparkling over-much, signify wind.

59. When the superficies of the sea is calm and smooth in the harbour, and yet murmurs within itself, though it doth not swell, signifies wind.

60. The shores resounding in a calm, and the sound of the sea itself, with a clear noise, and a certain echo, heard plainer and further than ordinary, presages winds.

61. If, in a calm and smooth sea, we espy froth here and there, or white circles or bubbles of water, they are prognostics of winds; and if these presages be very apparent, they foreshow rough tempests.

62. If, in a rough sea, there appear a shining froth, (which they call sea-lungs,) it foreshows a lasting tempest for many days.

63. If the sea swell silently, and rises higher than ordinary within the harbour, or the tide come in sooner than it uses to do, it foretells wind.

64. Sound from the hills, and the murmur of woods growing louder, and a noise in open champion fields, portend wind. Also a prodigious murmuring of the element, without thunder, for the most part, presages winds.

65. Leaves and straws playing on the ground, without any breath of wind that can be felt, and the down of plants flying about, feathers swimming and playing upon the water, signify that wind is near at hand.

66. Waterfowls flying at one another, and flying together in flocks, especially sea-mews and gulls, flying from the sea and lakes, and hastening to the banks and shores, especially if they make a noise and play upon dry land, they are prognostics of winds, especially if they do so in the morning.

67. But, contrariwise, sea-fowls going to the water, and beating with their wings, chattering, and bathing themselves, especially the crow, are all presages of storms.

68. Duckers and ducks cleanse their feathers with their bills against the wind; but geese, with their importunate crying, call for rain.

69. A hern flying high, so that it sometimes flies over a low cloud, signifies wind; but kites, when they fly high, foreshow fair weather.

70. Crows, as it were, barking after a sobbing manner, if they continue in it, do presage winds, but if they catchingly swallow up their voice again, or croak a long time together, it signifies that we shall have some showers.

71. A chattering owl was thought by the ancients to foretell change of weather; if it were fair, rain; if cloudy, fair weather. But, with us, the owl making a clear and free noise, for the most part, signifies fair weather, especially in winter.

72. Birds perching in trees, if they fly to their nests, and give over feeding betimes, it presages tempest. But the hern, standing, as it were, sad and melancholy upon the sand, or a crow walking up and down, do presage wind only.

73. Dolphins playing in a calm sea are thought to presage wind from that way they come; and, if they play and throw up water when the sea is rough, they presage fair weather. And most kinds of fishes swimming on the top of the water, and sometimes leaping, do prognosticate wind.

74. Upon the approach of wind, swine will be so terrified and disturbed, and use such strange actions, that country people say that creature only can see the wind, and perceive the horridness of it.

75. A little before the wind spiders work and spin carefully, as if they prudently forestalled the time, knowing that in windy weather they cannot work.

76. Before rain, the sound of bells is heard further off; but before wind it is heard more unequally, drawing near and going further off, as it doth when the wind blows really.

77. Pliny affirms for a certain, that three-leaved grass creeps together, and raises its leaves against a storm.

78. He says likewise, that vessels, which food is put into, will leave a kind of sweat in cupboards, which presage cruel storms.

Monition. Seeing rain and wind have almost a common matter, and seeing always before rain there is a certain condensation of the air, caused by the new air received into the old, as it appears by the sounding of the shores, and the high flight of herns, and other things; and seeing the wind likewise thickens, (but afterward in rain the air is more drawn together, and in winds, contrariwise, it is enlarged,) of necessity winds must have many prognostics common with the rain. Whereof advise with the prognostics of rain, under their own title.

Imitations of Winds.

To the three-and-thirtieth article Connexion.

If men could be persuaded not to fix their contemplations overmuch upon a propounded subject, and reject others, as it were, by-the-by; and that they would not subtilize about that subject in infinitum, and for the most part unprofitably, they would not be seized with such a stupor as they are; but, transferring their thoughts, and discoursing, would find many things at a distance, which near at hand are hidden. So that, as in the civil law, so we must likewise in the law of nature, we must carefully proceed to semblable things, and such as have a conformity between them.

1. Bellows with men are Æolus his bags, out of which one may take as much as he needeth. And likewise spaces between, and openings of hills, and crooks of buildings, are but, as it were, large bellows. Bellows are most useful either to kindle fire or for musical organs. The manner of the working of bellows is by sucking in of the air,

to shun vacuity, (as they say,) and to send it out by compression.

2. We also use hand fans to make a wind, and to cool, only by driving forward of the air softly.

3. The cooling of summer-rooms we spake of in answer to the ninth article. There may other more curious means be found, especially if the air be drawn in somewhere after the manner of bellows, and let out at another place; but those which are now in use have relation only to mere compression.

4. The breath in man's microcosmos, and in other animals, do very well agree with the winds in the greater world; for they are engendered by humours, and alter with moisture as wind and rain doth, and are dispersed and blow freer by a greater heat. And from them that observation is to be transferred to the winds, namely, that breaths are engendered of matter that yields a tenacious vapour, not easy to be dissolved; as beans, pulse, and fruits; which is so likewise in greater winds.

5. In the distilling of vitriol and other mineral which are most windy, they must have great and large receptacles, otherwise they will break.

6. Wind composed of nitre and gunpowder, breaking out and swelling, the flame doth not only imitate but also exceed winds, which blow abroad in the world, unless they be such as are made by thunder.

7. But the forces of it are pressed in, as in human engines, as guns, mines, and powder-houses set on fire. But it hath not yet been tried whether, in open air, a great heap of gunpowder set on fire would raise a wind for certain hours, by the commotion of the air.

8. There lies hidden a flatuous and expansive spirit in quicksilver, so that it doth (in some men's opinions) imitate gunpowder, and a little of it mixed with gunpowder will make the powder stronger. Likewise, the chymists speak the same of gold, that being prepared some way, it will break out dangerously like to thunder; but these things I never tried.

A greater Observation.

The motion of winds is for most things seen, as it were, in a looking-glass, in the motion of waters.

Great winds are inundations of the air, as we see inundations of waters, both through the augmentation of the quantity. As waters either descend from above, or spring out of the earth, so some winds are cast down, and some rise up. As sometimes in rivers there are contrary motions, one of the flowing of the sea, the other of the current of the river, yet both become one motion, by the prevailing of the flood; so, when contrary winds blow, the greater subdues the l[illegible] As in the currents of the sea, and of some rivers, it sometimes falls out, that the waves above go contrary to the waves below; so in the air, when contrary winds blow together, one flies over the other. As there are cataracts of rain within a narrow space, so there are whirlwinds. As waters, however they go forward, yet, if they be troubled, swell up into waves, sometimes ascending, grow up into heaps, sometimes descending, are as it were furrowed; so the winds do the same, but only want the motion of gravity. There are also other similitudes which may be observed and gathered out of those things which have already been inquired about.

Movable Rules concerning Winds.

Connection.

Rules are either particular or general, both with us are movable; for, as yet, we have not affirmed any thing positively. Particular rules may be taken and gathered almost out of every article. We will cull out some general ones, and those but a few, and add thereunto.

1. Wind is no other thing but moved air; but the air itself moved either by a simple impulsion, or by commixion of vapours.

2. Winds, by a simple impulsion, are caused four ways, either by the natural motion of the air, or by expansion of the air in the sun's ways; or by reception of air thorow a sudden cold, or by the compression of the air by external bodies. There may be also a fifth way, by the agitation and concussion of the air by stars. But let these things be a while silent, or be given ear unto with a sparing belief.

3. Of winds which are made by immixion of vapours, the chief cause is the overburdening of the air by air newly made out of vapours, whereby the mass of the air grows bigger, and seeks new room.

4. A small quantity of air added, causeth a great tumour of the air round about it, so that new air out of the resolution of vapours doth confer more to motion than to matter. But the great body of wind consists in the former air, neither doth the new air drive the old air before it, as if they were several bodies, but being both commixed, they desire larger room.

5. When any other beginning of motion concurs, besides the overburdening of the air, it is an accessory which strengtheneth and increaseth that principal, which is the reason that great and violent winds do seldom rise, by the simple overburdening of the air.

6. Four things are accessory to the overburdening of the air. The breathing out of subterraneal places; the casting down out of (as it is called) the middle region of the air; dissipation made out of a cloud, and the mobility and acrimony of the exhalation itself.

7. The motion of the wind is for the most part lateral; but that which is made by mere over-

burdening, is so from the beginning, that which is made by the expiration of the earth, or repercussion from above, a little while after, unless the eruption, or precipitation, or reverberation, be exceeding violent.

8. Air will endure some compression before it be overburdened, and begins to thrust away the adjoining air, by reason whereof all winds are a little thicker than quiet and calm air.

9. Winds are allayed five ways, either by the conjunction of vapours, or by their sublimation, or by transporting them, or by their being spent.

10. Vapours are conjoined, and so the air itself becomes water, four ways, either by abundance aggravating, or by colds condensing, or by contrary winds compelling, or by obstacles reverberating.

11. Both vapours and exhalations, but wind very frequently from vapours. But there is this difference, that winds which ude of vapours do more easily incorporate themselves into pure air, are sooner allayed, and are not so obstinate as those winds which are engendered of exhalations.

12. The manner and several conditions of heat have no less power in the generation of winds, than the abundance or conditions of the matter.

13. The heat of the sun ought to be so proportioned in the generation of winds, that it may raise them, but not in such abundance as that they gather into rain, nor in so small a quantity, that they may be quite shaken off and dispersed.

14. Winds blow from their nurseries, and the nurseries being disposed several ways, divers winds for the most part blow together, but the strongest either quite overthrows, or turns into its current the weakest.

15. Winds are engendered everywhere, from the very superfices of the earth, up into the middle region of the air, the more frequent below, but the stronger above.

16. The countries which have retaining or trade winds, if they be warm, have them warmer than according to the measure of their climate; if they be cold, they have them colder.

A Human Map, or Optatives, with such things as are next to them concerning Winds.

Optatives.

1. To frame and dispose sails of ships in such a manner, that with less wind they might go a greater journey; a thing very useful to shorten journeys by sea, and save charges.

Next. The next invention precisely in practice I have not as yet found; yet, concerning that, look upon our greater observations upon the six-and-twentieth article.

2. *Optative.* That we could make windmills and their sails in such manner that they may grind more with less wind. A thing very useful for gain.

Next. Look concerning this upon our experiments in the answer to the seven-and-twentieth article, where the thing seems to be, as it were, done.

3. *Optative.* To foreknow when winds will rise and allay. A thing useful for navigation and for husbandry, especially for the choosing of times for sea-fights.

Next. To this belong many of those things which are observed in the inquisition, and especially in the answer to the two-and-thirtieth article. But a more careful observation hereafter (if any shall apply their mind to it) will give far more exact prognostics, the cause of the winds being already laid open.

4. *Optative.* To give judgment, and make prognostics by winds, of other things, as, first, whether they be continents or islands in the sea in any place, or rather a free, open sea; a thing very useful for new and unknown voyages.

Next. The next is the observation concerning constant and trade winds; that which Columbus seemed to make use of.

5. *Optative.* Likewise of the plenty or scarcity of corn every year. A thing useful for gain, and buying beforehand, and forestalling, as it is reported of Thales, concerning monopoly of olives.

Next. To this belong some things specified in the inquisition of winds, either hurtful or shaking winds, and the times when they do hurt; to the nine-and-twentieth article.

6. *Optative.* Likewise concerning diseases and plagues every year. A thing useful for the credit of physicians, if they can foretell them, also for the causes and cures of diseases, and some other civil considerations.

Next. To this likewise belong some things set down in the inquisition to the thirtieth article.

Monition. Of predictions by wind concerning corn, fruits, and diseases, look upon histories of husbandry and physic.

7. *Optative.* How to raise winds and to allay them.

Next. Concerning these things there are some superstitious opinions, which do not seem worthy to be inserted into a serious and severe natural history. Nor can I think of any thing that is near in this kind. The design may be this, to look thoroughly into and inquire about the nature of the air; whether any thing may be found, whereof a small quantity put into air may raise and multiply the motion to dilatation, or contraction in the body of the air. For out of this (if it might be done) would follow the raisings and allayings of winds. Such as that experiment of Pliny is, concerning vinegar thrown against the whirlwinds, if it were true. Another design might be, by letting forth of winds out of subterraneal places; if so be they should gather to-

gether anywhere in great abundance, as it is a common and approved opinion of the well in Dalmatia; but to know such places of prisons, is very hard and difficult.

8. *Optative.* To work many fine, pleasant, and wonderful conceits by the motion of winds.

Next. We have not leisure to enter into consideration touching these things. Next to it is that common report of the duels of winds. Questionless many such pleasant things might very well be found out, both for motions and sounds of winds.

ENTRANCES

TO THE HISTORIES DESTINED FOR THE NEXT FIVE MONTHS.

THE HISTORY OF DENSITY AND RARITY.

THE ENTRANCE.

It is no marvel if nature be indebted to philosophy and the sciences, seeing it was never yet called upon to give an account, for there never was any diligent and dispensatory inquisition made of the quaintity of the matter, and how that had been distributed into bodies, (in some copiously, in others sparingly,) according to the true, or at least truest accounts that hath been truly received and approved of, that nothing is taken away and lost, or added unto the universal sum. Likewise that place hath been treated upon by some, namely, how it can be loosened or con-...ed without intermixion or vacuity, according to more or less: but the natures of density and rarity, some have referred to the abundance or scarcity of the matter; another hath laughed at the same; the greatest part, following their author, to discuss and compose the whole matter by that cold and weak distinction of act and power. Those also who attribute them to the reasons of matter, (which is the true opinion,) do neither quite deprive the materia prima, or primary matter of its quantum, or quantity, though for other forms they will have it equal, but here do terminate and end the matter, and seek no further, nor do not perceive what followeth thereby; and either do not touch at all, or at least do not urge home that which hath a regard to infinites, and is, as it were, the basis and ground of natural philosophy.

First, therefore, that which is rightly set down must not be moved nor altered; namely, that there is no transaction made in any transmutation of bodies, either from nothing, or to nothing; but that they are works of the same omnipotence, to create out of nothing, and to reduce unto nothing, and that by course of nature this can never be done. Therefore the sum of the total matter stands still whole, nothing is added, nothing is diminished; yet that this sum is divided by portions amongst the bodies is unquestionable, for there can no man be so much beside himself through any subtile abstractions, as to think that there is as much matter in one vessel of water as in ten vessels of water, nor likewise in one vessel of air as much as in ten vessels of air; but in the same body there is no question but that the abundance of matter is multiplied according to the measure of the body, in divers bodies it is questionable. And if it be demonstrated that one vessel of water turned into air will yield ten vessels of air, (for we take this computation for a received opinion, though that of a hundred-fold be the truer,) it is well; for now they are no more divers bodies, water and air, but the same body of air in ten vessels; but one vessel of air (as it was but now granted) is but only the tenth part of ten vessels. Therefore it cannot be contradicted but that in one vessel of water there is ten times more matter than in one vessel of air: therefore, if one should affirm, that one whole vessel of water could be converted into one vessel of air, it were as much as if one should affirm that something could be reduced to nothing; forasmuch as one tenth part of water would suffice to do it, and the other nine parts must of necessity be reduced to nothing; and, contrariwise, if one should affirm that one vessel of air could be turned into a vessel of water, it would be as much as if he should say, that something could be created out

of nothing; for one vessel of air can attain and reach but unto the tenth part of a vessel of water, and the other nine parts must needs proceed from nothing. In the mean time we will plainly acknowledge and confess, that to understand the true means of the reasons and calculations of the how much part of the quantum, or how much of the matter which is in divers bodies, and by what industry and sagacity one may be truly informed thereof, is a high matter to be inquired; but such as the great and largely extended profit which will accrue thereby will largely recompense. For to know the densities and rarities of the body, and much more, how to procure and effect the condensations and rarefactions, is of great importance and moment both to contemplative and to the practice. Seeing, then, it is a thing (if any there be at all) merely fundamental and universal, we must go carefully and prepared about it, seeing that all philosophy without it is loose and disjointed.

THE HISTORY OF HEAVY AND LIGHT.

THE ENTRANCE.

The motion of gravity and lightness, the ancients did illustrate with the name of natural motion, for they saw no external efficient, nor no apparent resistance; yea, the motion seemed swifter in its progress. This contemplation, or rather speech, they seasoned with that mathematical phantasy of the staying or stopping of heavy things at the centre of the earth, (although the earth should be bored quite thorow,) and that scholastical invention of the motion of bodies to their several places. Having laid, or set down these things, supposing they had done their parts, they looked no further, but only that which some of them more carefully inquired after, namely, of the centre of gravity in divers figures, and of such things as are carried by water. Neither did any of the modern authors do any thing worth speaking of concerning this, only by adding some few mechanical things, which they had also wrested with their demonstrations; but, laying many words aside, it is most certain that a body cannot suffer but by a body; neither can there be any local motion made, unless it be solicited or set forward, either by the parts of the body itself, which is moved, or by the adjacent bodies, which either touch it or are near unto it, or are, at least, within the orb of its activity. So that Gilbertus did not unknowingly introduce magnetic powers, he also becoming a loadstone, namely, drawing more things by those powers than he should have done, and building a ship, as it were, of a round piece of wood.

THE HISTORY OF THE SYMPATHY AND ANTIPATHY OF THINGS.

THE ENTRANCE.

Strife and amity in nature, are the eggers on of motions, and the keys of works. Hence proceeds the union and dissension of bodies; hence the mixion and separation of bodies; hence the high and intimate impressions of virtues, and that which they call joining of actives with passives; finally, they are the great and wonderful works of nature. But this part of philosophy, namely, of the sympathy and antipathy of things, is most impure, which also they call natural magic, and, (which always comes to pass,) where diligence and care hath wanted, there hath hope remained; but the operation thereof in men is merely like unto certain soporiferous medicines, which cast one asleep, and do, moreover, send and infuse into him merry and pleasant dreams. For, first, it casts man's understanding into a sleep, representing unto him specifical properties and hidden vir-

tues, whereby men awake no more, nor look after the finding and searching out of true causes, but acquiesce and lie still in these idle ways. Then it insinuates an innumerable company of fictions, like unto dreams; and vain men hope to know the nature by the outward shape and show, and, by extrinsical similitudes, to discover inward properties. Their practice, also, is very like unto their inquiry; for the precepts of natural magic are such as if men should be confident that they could subdue the earth, and eat their bread without the sweat of their brow, and to have power over things by idle and easy applications of bodies; and still they have in their mouths, and, like undertakers or sureties, they call upon the loadstone, and the consent which is between gold and quicksilver; and some few things of this kind they allege for to prove other things, which are not bound by any such like contract. But God hath appointed the best of things to be inquired out, and be wrought by labours and endeavours. We will be a little more careful in searching out the law of nature and the mutual contracts of things, neither favouring miracles, nor making too lowly and straitened an inquisition.

THE HISTORY OF SULPHUR, MERCURY, AND SALT.

THE ENTRANCE.

This triple of principles hath been introduced by the chymists, and, as concerning speculatives, is of them which they bring the best invention. The most subtile and acute of these, and those who are most philosophical, will have the elements to be earth, water, air, and the sky; and those they will not have to be the matter of things, but the matrixes in which the specifical seeds of things do engender in the nature of a matrix. But, for the materia prima, or primary matter, (which scholars do lay down, as it were, naked and indifferent,) they substitute those three, sulphur, mercury, and salt; out of which all bodies are gathered together and mixed. We do accept of their words, but their opinions are not very sound. Yet that doth not ill agree with their opinion, namely, that we hold two of them, to wit, sulphur and mercury, (taken according to our sense,) to be very first and prime natures, and most inward figurations of matter, and almost chief amongst the forms of the first class. But we may vary the words of sulphur and mercury, and name them otherwise, oily, waterish, fat, crude, inflammable, not inflammable, or the like. For these seem to be two very great things of the three, and which possess and penetrate the universe, for, amongst subterraneal things, they are sulphur and mercury, as they are called; in the vegetable and animal kind, they are oil and water; in the inferior spiritual things, they are air and flame; in the heavenly, the body of a star, and the pure sky; but of this last duality we yet say nothing, though it seem to be a probable deciphering; for, if they mean by salt the fixed part of the body which is not resolved either into flame or smoke, this belongeth to the inquisition of fluid and determinate things. But if we take salt according to the letter, without any parabolical meaning, salt is no third thing from sulphur and mercury, but mixed of both, connexed into one by an acrimonious and sharp spirit; for all manner of salt hath inflammable parts, and other parts, also, which not only will not take fire, but do also abhor it and fly from it: yet the inquisition of salt, being somewhat allied to the inquisition of the other two, and exceeding useful as being a tie and band of both natures, sulphureous and salt, and the very rudiment of life itself, we have thought fitting to comprehend it also within this history and inquisition; but, in the mean time, we give you notice, that those spiritual things, air, water, stars, and sky, we do (as they very well deserve it) reserve them for proper and peculiar inquisitions, and here in this place to set down the history only of tangible, that is to say, mineral or vegetable sulphur and mercury.

THE HISTORY OF LIFE AND DEATH.

THE ENTRANCE.

The entrance to this history will be found in the history itself, which follows next in order.

HISTORY,

NATURAL AND EXPERIMENTAL,

OF

LIFE AND DEATH,

OR, OF

THE PROLONGATION OF LIFE.

TO THE READER.

I AM to give advertisement, that there came forth of late a translation of this book by an unknown person, who, though he wished well to the propagating of his lordship's works, yet he was altogether unacquainted with his lordship's style and manner of expressions, and so published a translation lame and defective in the whole. Whereupon, I thought fit to recommend the same to be translated anew, by a more diligent and zealous pen, which hath since travelled in it; and, though it still comes short of that lively and incomparable spirit and expression, which lived and died with the author, yet, I dare avouch it to be much more warrantable and agreeable than the former. It is true, this book was not intended to have been published in English; but, seeing it hath already been made free of that language, whatsoever benefit or delight may redound from it, I commend the same to the courteous and judicious reader. W. R.

TO THE PRESENT AGE, AND POSTERITY.

GREETING:

Although I had ranked the History of Life and Death as the last amongst my six monthly designations, yet I have thought fit, in respect of the prime use thereof, (in which the least loss of time ought to be esteemed precious,) to invert that order, and to send it forth in the second place. For I have hope, and wish, that it may conduce to a common good; and that the nobler sort of physicians will advance their thoughts, and not employ their times wholly in the sordidness of cures, neither be honoured for necessity only, but that they will become coadjutors and instruments of the Divine omnipotence and clemency in prolonging and renewing the life of man; especially, seeing I prescribe it to be done by safe, and convenient, and civil ways, though hitherto unassayed. For, though we Christians do continually aspire and pant after the land of promise, yet it will be a token of God's favour towards us in our journeyings through this world's wilderness, to have our shoes and garments (I mean those of our frail bodies) little worn or impaired.

FR. ST. ALBANS.

THE HISTORY OF LIFE AND DEATH.

THE PREFACE.

It is an ancient saying and complaint, that life is short and art long; wherefore it behoveth us, who make it our chiefest aim to perfect arts, to take upon us the consideration of prolonging man's life, God, the author of all truth and life, prospering our endeavours. For, though the life of man be nothing else but a mass and accumulation of sins and sorrows, and they that look for an eternal life set but light by a temporary: yet the continuation of works of charity ought not to be contemned, even by us Christians. Besides, the beloved disciple of our Lord survived the other disciples; and many of the fathers of the church, especially of the holy monks and hermits, were long-lived; which shows, that this blessing of long life, so often promised in the old law, had less abatement after our Saviour's days than other earthly blessings had; but to esteem of this as the chiefest good, we are but too prone. Only the inquiry is difficult how to attain the same, and so much the rather, because it is corrupted with false opinions and vain reports: for both those things, which the vulgar physicians talk of, radical moisture and natural heat, are but mere fictions; and the immoderate praises of chymical medicines first puff up with vain hopes, and then fail their admirers.

And as for that death which is caused by suffocation, putrefaction, and several diseases, we speak not of it now, for that pertains to a history of physic; but only of that death which comes by a total decay of the body, and the inconcoction of old age. Nevertheless, the last act of death, and the very extinguishing of life itself, which may so many ways be wrought outwardly and inwardly, (which, notwithstanding, have, as it were, one common porch before it comes to the point of death,) will be pertinent to be inquired of in this treatise; but we reserve that for the last place.

That which may be repaired by degrees, without a total waste of the first stock, is potentially eternal, as the vestal fire. Therefore, when physicians and philosophers saw that living creatures were nourished and their bodies repaired, but that this did last only for a time, and afterwards came old age, and in the end dissolution; they sought death in somewhat which could not properly be repaired, supposing a radical moisture incapable of solid reparation, and which, from the first infancy, received a spurious addition, but no true reparation, whereby it grew daily worse and worse, and, in the end, brought the bad to none at all. This conceit of theirs was both ignorant and vain; for all things in living creatures are in their youth repaired entirely; nay, they are for a time increased in quantity, bettered in quality, so as the matter of reparation might be eternal, if the manner of reparation did not fail. But this is the truth of it. There is in the declining of age an unequal reparation; some parts are repaired easily, others with difficulty and to their loss; so as from that time the bodies of men begin to endure the torments of Mezentius: that the living die in the embraces of the dead; and the parts easily repairable, through their conjunction with the parts hardly repairable, do decay; for the spirits, blood, flesh, and fat are, even after the decline of years, easily repaired; but the drier and more porous parts (as the membranes, all the tunicles, the sinews, arteries, veins, bones, cartilages, most of the bowels, in a word, almost all the organical parts) are hardly repairable, and to their loss. Now, these hardly repairable parts, when they come to their office of repairing the other, which are easily repairable, finding themselves deprived of their wanted ability and strength, cease to perform any longer their proper functions. By which means it comes to pass, that in process of time the whole tends to dissolution; and even those very parts which, in their own nature, are with much ease repairable, yet, through the decay of the organs of reparation, can no more receive reparation, but decline, and in the end utterly fail. And the cause of the termination of life is this, for that the spirits, like a gentle flame, continually preying upon bodies, conspiring with the outward air, which is ever sucking and drying of them, do, in time, destroy the whole fabric of the body, as also the particular engines and organs thereof, and make them unable for the work of reparation. These are the true ways of natural death, well and faithfully to be revolved in our minds; for he that knows not the way of nature, how can he succour her or turn her about?

Therefore, the inquisition ought to be twofold; the one touching the consumption or depredation of the body of man, the other touching the reparation and renovation of the same: to the end, that

the former may, as much as is possible, be forbidden and restrained, and the latter comforted. The former of these pertains, especially, to the spirits and outward air, by which the depredation and waste is committed; the latter to the whole race of alimentation or nourishment, whereby the renovation or restitution is made. And, as for the former part, touching consumption, this hath many things common with bodies inanimate, or without life. For such things as the native spirit (which is in all tangible bodies, whether living or without life) and the ambient or external air worketh upon bodies inanimate, the same it attempteth upon animate or living bodies; although the vital spirit superadded, doth partly break and bridle those operations, partly exalt, and advance them wonderfully. For it is most manifest that inanimate bodies (most of them) will endure a long time without any reparation; but bodies animate, without food and reparation, suddenly fall and are extinguished, as the fire is. So, then, our inquisition shall be double. *First*, we will consider the body of man as inanimate, and not repaired by nourishment. *Secondly*, as animate, and repaired by nourishment. Thus, having prefaced these things, we come now to the topic-places of inquisition.

THE

PARTICULAR TOPIC-PLACES,

OR

ARTICLES OF INQUISITION TOUCHING LIFE AND DEATH.

1. FIRST, inquire of nature, durable and not durable, in bodies inanimate or without life, as also in vegetables; but that not in a large or just treatise, but as in a brief or summary only.

2. Also inquire diligently of desiccation, arefaction, and consumption of bodies inanimate, and of vegetables, and of the ways and processes by which they are done: and, further, of inhibiting and delaying of desiccation, arefaction, and consumption, and of the conservation of bodies in their proper state: and, again, of the inteneration, emollition, and recovery of bodies to their former freshness, after they be once dried and withered.

Neither need the inquisition touching these things to be full or exact, seeing they pertain rather to their proper title of nature durable; seeing also, they are not principles in this inquisition but serve only to give light to the prolongation and instauration of life in living creatures. In which (as was said before) the same things come to pass, but in a particular manner. So, from the inquisition touching bodies inanimate, and vegetables, let the inquisition pass on to other living creatures besides man.

3. Inquire touching the length and shortness of life in living creatures, with the due circumstances which make most for their long or short lives.

4. But because the duration of bodies is twofold, one in identity, or the selfsame substance, the other by a renovation or reparation; whereof the former hath place only in bodies inanimate, the latter in vegetables and living creatures, and is perfected by alimentation or nourishment; therefore, it will be fit to inquire of alimentation, and of the ways and progresses thereof; yet this not exactly, (because it pertains properly to the titles of assimilation and alimentation,) but, as the rest, in progress only.

From the inquisition touching living creatures and bodies repaired by nourishment, pass on to the inquisition touching man. And, now being come to the principal subject of inquisition, the inquisition ought to be, in all points, more precise and accurate.

5. Inquire touching the length and shortness of life in men, according to the ages of the world, the several regions, climates, and places of their nativity and habitation.

6. Inquire touching the length and shortness of life in men, according to their races and families, as if it were a thing hereditary; also, according to their complexions, constitutions, and habits of body, their statures, the manner and time of their growth, and the making and composition of their members.

7. Inquire touching the length and shortness of life in men, according to the time of their nativity, but so as you omit, for the present, all astrological observations, and the figures of

heaven under which they were born, only insist upon the vulgar and manifest observations; as, whether they were born in the seventh, eighth, ninth, or tenth month; also, whether by night or by day, and in what month of the year.

8. Inquire touching the length and shortness of life in men, according to their fare, diet, government of their life, exercises, and the like. For, as for the air in which men live, and make their abode, we account that proper to be inquired of in the abovesaid article, touching the places of their habitation.

9. Inquire touching the length and shortness of life in men, according to their studies, their several courses of life, the affections of the mind, and divers accidents befalling them.

10. Inquire, apart, touching those medicines which are thought to prolong life.

11. Inquire touching the signs and prognostics of long and short life, not those which betoken death at hand, (for they belong to a history of physic,) but those which are seen, and may be observed even in health, whether they be physiognomical signs or any other.

Hitherto have been propounded inquisitions touching length and shortness of life, besides the rules of art, and in a confused manner; now we think to add some, which shall be more art-like, and tending to practice, under the name of intentions. Those intentions are generally three; as for the particular distributions of them, we will propound them when we come to the inquisition itself. The three general intentions are the forbidding of waste and consumption, the perfecting of reparation, and the renewing of oldness.

12. Inquire touching those things which conserve and exempt the body of man from arefaction and consumption, at least, which put off and protract the inclination thereunto.

13. Inquire touching those things which pertain to the whole process of alimentation, (by which the body of man is repaired,) that it may be good, and with the best improvement.

14. Inquire touching those things which purge out the old matter, and supply with new; as also which do intenerate and moisten those parts which are already dried and hardened.

But, because it will be hard to know the ways of death, unless we search out and discover the seat or house, or rather den of death, it will be convenient to make inquisition of this thing; yet not of every kind of death, but of those deaths which are caused by want and indigence of nourishment, not by violence, for they are those deaths only which pertain to a decay of nature, and mere old age.

15. Inquire touching the point of death, and the porches of death leading thereunto from all parts, so as that death be caused by a decay of nature, and not by violence.

16. Lastly, because it is behoveful to know the character and form of old age, which will then be best done if you make a collection of all the differences, both in the state and functions of the body, betwixt youth and old age, that by them you may observe what it is that produceth such manifold effects; let not this inquisition be omitted.

17. Inquire diligently touching the differences in the state of the body, and the faculties of the mind in youth and old age; and whether there be any that remain the same, without alteration or abatement, in old age.

Nature durable, and not durable.

To the first article. The history.

1. Metals are of that long lasting, that men cannot trace the beginnings of them; and when they do decay, they decay through rust, not through perspiration into air; yet gold decays neither way.

2. Quicksilver, though it be a humid and fluid body, and easily made volatile by fire, yet, (as we have observed,) by age alone, without fire, it neither wasteth nor gathereth rust.

3. Stones, especially the harder sort of them, and many other fossils, are of long lasting, and that though they be exposed to the open air; much more if they be buried in the earth. Notwithstanding, stones gather a kind of nitre, which is to them instead of rust. Precious stones and crystals exceed metals in long lasting; but then they grow dimmer and less orient if they be very old.

4. It is observed that stones lying towards the north do sooner decay with age than those that lie towards the south; and that appears manifestly in pyramids, and churches, and other ancient buildings; contrariwise, in iron, that exposed to the south, gathers rust sooner, and that to the north later; as may be seen in the iron bars of windows, and no marvel, seeing in all putrefaction (as rust is) moisture hastens dissolutions; in all simple arefaction, dryness.

5. In vegetables, (we speak of such as are felled, not growing,) the stocks or bodies of harder trees, and the timber made of them, last divers ages. But then there is difference in the bodies of trees: some trees are, in a manner, spongy, as the elder, in which the pith in the midst is soft, and the outward part harder; but in timber trees, as the oak, the inner part (which they call heart of oak) lasteth longer.

6. The leaves, and flowers, and stalks of plants are but of short lasting, but dissolve into dust, unless they putrefy; the roots are more durable.

7. The bones of living creatures last long, as we may see it of men's bones in charnel-houses; horns, also, last very long; so do teeth, as it is seen in ivory, and the sea-horse teeth.

8. Hides, also, and skins, endure very long, as is evident in old parchment books: paper, like-

wise will last many ages, though not so long as parchment.

9. Such things as have passed the fire last long, as glass and bricks; likewise flesh and fruits that have passed the fire, last longer than raw; and that not only because the baking of the fire forbids putrefaction, but also because the watery humour being drawn forth, the oily humour supports itself the longer.

10. Water of all liquors is soonest drunk up by air; contrariwise, oil latest; which we may see not only in the liquors themselves, but in the liquors mixed with other bodies; for paper wet with water, and so getting some degree of transparency, will soon after wax white, and lose the transparency again, the watery vapour exhaling; but oiled paper will keep the transparency long, the oil not being apt to exhale; and, therefore, they that counterfeit men's hands will lay the oiled paper upon the writing they mean to counterfeit, and then essay to draw the lines.

11. Gums, all of them, last very long; the like do wax and honey.

12. But the equal or unequal use of things conduceth no less to long lasting, or short lasting, than the things themselves; for timber, and stones, and other bodies standing continually in the water, or continually in the air, last longer than if they were sometimes wet, sometimes dry; and so stones continue longer if they be laid towards the same coast of heaven in the building that they lay in the mine. The same is of plants removed, if they be coasted just as they were before.

Observations.

(1.) Let this be laid for a foundation, which is most sure, that there is in every tangible body a spirit, or body pneumatical, enclosed and covered with the tangible parts; and that from this spirit is the beginning of all dissolution and consumption, so as the antidote against them is the detaining of this spirit.

(2.) This spirit is detained two ways; either by a straight enclosure, as it were, in a prison, or by a kind of free and voluntary detention. Again, the voluntary stay is persuaded two ways: either if the spirit itself be not too movable or eager to depart, or if the external air importune it not too much to come forth. So then, two sorts of substances are durable, hard substances and oily: hard substance binds in the spirits close; oily, partly enticeth the spirit to stay, partly is of that nature that it is not importuned by air; for air is consubstantial to water, and flame to oil; and touching nature durable and not durable in bodies inanimate, thus much.

The History.

13. Herbs of the colder sort die yearly, both in root and stalk, as lettuce, purslane; also wheat, and all kind of corn; yet there are some cold herbs which will last three or four years, as the violet, strawberry, burnet, primrose, and sorrel. But borage and bugloss, which seem so alike when they are alive, differ in their deaths; for borage will last but one year, bugloss will last more.

14. But many hot herbs bear their age and years better; hyssop, thyme, savory, pot marjoram, balm, wormwood, germander, sage, and the like. Fennel dies yearly in the stalk, buds again from the root; but pulse and sweet marjoram can better endure age than winter, for being set in a very warm place and well fenced, they will live more than one year. It is known that a knot of hyssop twice a year shorn hath continued forty years.

15. Bushes and shrubs live threescore years, and some double as much. A vine may attain to threescore years, and continue fruitful in the old age. Rosemary well placed will come also to threescore years; but whitethorn and ivy endure above a hundred years. As for the bramble, the age thereof is not certainly known, because bowing the head to the ground it gets new roots, so as you cannot distinguish the old from the new.

16. Amongst great trees the longest livers are the oak, the holm, wild ash, the elm, the beech tree, the chestnut, the plane tree, ficus ruminalis, the lote tree, the wild olive, the palm tree, and the mulberry tree. Of these some have come to the age of eight hundred years; but the least livers of them do attain to two hundred.

17. But trees odorate, or that have sweet woods, and trees rozenny, last longer in their woods or timber than those abovesaid, but they are not so long-lived as the cypress tree, maple, pine, box, juniper. The cedar being borne out by the vastness of his body, lives well near as long as the former.

18. The ash, fertile and forward in bearing, reacheth to a hundred years and somewhat better; which also the birch, maple, and service tree sometimes do; but the poplar, lime tree, willow, and that which they call the sycamore, and walnut tree, live not so long.

19. The apple tree, pear tree, plum tree, pomegranate tree, citron tree, medlar tree, black cherry tree, cherry tree, may attain to fifty or sixty years; especially if they be cleansed from the moss wherewith some of them are clothed.

20. Generally greatness of body in trees, if other things be equal, hath some congruity with length of life; so hath hardness of substance; and trees bearing mast or nuts are commonly longer livers than trees bearing fruit or berries; likewise trees putting forth their leaves late, and shedding them late again, live longer than those that are early either in leaves or fruit; the like is of wild trees in comparison of orchard trees. And, lastly, in the same kind trees that bear a sour fruit outlive those that bear a sweet fruit.

An Observation.

Aristotle noted well the difference between plants and living creatures, in respect of their nourishment and reparation: namely, that the bodies of living creatures are confined within certain bounds, and that after they become to their full growth, they are continued and preserved by nourishment, but they put forth nothing new except hair and nails, which are counted for no better than excrements; so as the juice of living creatures must of necessity sooner wax old; but in trees, which put forth yearly new boughs, new shoots, new leaves, and new fruits, it comes to pass that all these parts in trees are once a year young and renewed. Now, it being so, that whatsoever is fresh and young draws the nourishment more lively and cheerfully to it than that which is decayed and old, it happens withal, that the stock and body of the tree, through which the sap passeth to the branches, is refreshed and cheered with a more bountiful and vigorous nourishment in the passage than otherwise it would have been. And this appears manifest (though Aristotle noted it not, neither hath he expressed these things so clearly and perspicuously) in hedges, copses, and pollards, when the plashing, shedding, or lopping, comforteth the old stem or stock, and maketh it more flourishing and long-lived.

Desiccation, Prohibiting of Desiccation, and Inteneration of that which is desiccated and dried.

To the second article. The History.

1. Fire and strong heats dry some things and melt others.

> "Limus ut hic durescit, et hæc ut cera liquescit,
> Uno eodemque igne!"

How this clay is hardened, and how this wax is melted, with one and the same thing, fire? It drieth earth, stones, wood, cloth, and skins, and whatsoever is not liquifiable; and it melteth metals, wax, gums, butter, tallow, and the like.

2. Notwithstanding, even in those things which the fire melteth, if it be very vehement and continueth, it doth at last dry them. For metal in a strong fire, (gold only excepted,) the volatile part being gone forth, will become less ponderous and more brittle; and those oily and fat substances in the like fire will burn up, and be dried and parched.

3. Air, especially open air, doth manifestly dry, but not melt; as highways, and the upper part of the earth, moistened with showers, are dried; linen clothes washed, if they be hanged out in the air, are likewise dried; herbs, and leaves, and flowers, laid forth in the shade, are dried. But much more suddenly doth the air this, if it be either enlightened with the sunbeams, (so that they cause no putrefaction,) or if the air be stirred, as when the wind bloweth, or in rooms open on all sides.

4. Age most of all, but yet slowest of all, drieth; as in all bodies which (if they be not prevented by putrefaction) are dry with age. But age is nothing of itself, being only the measure of time; that which causeth the effect is the native spirit of bodies, which sucketh up the moisture of the body, and then, together with it, flieth forth, and the air ambient, which multiplieth itself upon the native spirits and juices of the body, and preyeth upon them.

5. Cold, of all things, most properly drieth; for drying is not caused but by contraction; now, contraction is the proper work of cold. But, because we men have heat in a high degree, namely, that of fire, but cold in a very low degree, no other than that of winter, or perhaps of ice, or of snow, or of nitre; therefore, the drying caused by cold is but weak, and easily resolved. Notwithstanding we see the surface of the earth to be more dried by frost or by March winds than by the sun, seeing the same wind both licketh up the moisture, and affecteth with coldness.

6. Smoke is a drier, as in bacon and neats' tongues, which are hanged up in the chimneys; and perfumes of olibanum or lignum aloes, and the like, dry the brain and cure catarrhs.

7. Salt, after some reasonable continuance, drieth not only on the outside, but in the inside also, as in flesh and fish salted, which, if they have continued any long time, have a manifest hardness within.

8. Hot gums applied to the skin dry and wrinkle it, and some astringent waters also do the same.

9. Spirit of strong waters imitateth the fire in drying, for it will both poach an egg put into it and toast bread.

10. Powders dry like sponges by drinking up the moisture, as it is in sand thrown upon lines new written; also, smoothness and politeness of bodies (which suffer not the vapour of moisture to go in by the pores) dry by accident, because it exposeth it to the air, as it is seen in precious stones, looking-glasses, and blades of swords, upon which if you breathe, you shall see at first a little mist, but soon after it vanisheth like a cloud. And thus much for desiccation or drying.

11. They use at this day, in the east parts of Germany, garners in vaults under ground, wherein they keep wheat and other grains, laying a good quantity of straw both under the grains and about them, to save them from the dampness of the vault, by which device they keep their grains twenty or thirty years. And this doth not only preserve them from fustiness, but (that which pertains more to the present inquisition) preserves them also in that greenness that they are fit and serviceable to make bread. The same is reported to have been in use in Cappadocia and Thracia, and some parts of Spain.

12. The placing of garners on the tops of

houses, with windows towards the east and north, is very commodious. Some, also, make two sollars, an upper and a lower, and the upper sollar hath a hole in it, through which the grain continually descendeth, like sand in an hour-glass, and after a few days they throw it up again with shovels, that so it may be in continual motion. Now, it is to be noted that this doth not only prevent the fustiness, but conserveth the greenness, and slacketh the desiccation of it. The cause is that which we noted before; that the discharging of the watery humour, which is quickened by the motion and the wind, preserves the oily humour in his being, which otherwise would fly out together with the watery humour. Also, in some mountains, where the air is very pure, dead carcasses may be kept for a good while without any great decay.

13. Fruits, as pomegranates, citrons, apples, pears, and the like; also, flowers, as roses and lilies, may be kept a long time in earthen vessels close stopped; howsoever, they are not free from the injuries of the outward air, which will affect them with his unequal temper through the sides of the vessel, as it is manifest in heat and cold. Therefore, it will be good to stop the mouths of the vessels carefully, and to bury them within the earth; and it will be as good not to bury them in the earth, but to sink them in the water, so as the place be shady, as in wells or cisterns placed within doors; but those that be sunk in water will do better in glass vessels than in earthen.

14. Generally, those things which are kept in the earth, or in vaults under ground, or in the bottom of a well, will preserve their freshness longer than those things that are kept above ground.

15. They say it hath been observed, that in conservatories of snow, (whether they were in mountains, in natural pits, or in wells made by art for that purpose,) an apple, or chestnut, or nut, by chance falling in, after many months, when the snow hath melted, hath been found in the snow as fresh and fair as if it had been gathered the day before.

16. Country people keep clusters of grapes in meal, which, though it makes them less pleasant to the taste, yet it preserves their moisture and freshness. Also the harder sort of fruits may be kept long, not only in meal, but also in sawdust and in heaps of corn.

17. There is an opinion held, bodies may be preserved fresh in liquors of their own kind, as in their proper menstrua, as to keep grapes in wine, olives in oil.

18. Pomegranates and quinces are kept long, being lightly dipped in sea water or salt water, and some after taken out again, and then dried in the open air, so it be in the shade.

19. Bodies put in wine, oil, or the lees of oil, keep long, much more in honey or spirit of wine, but most of all, as some say, in quicksilver.

20. Fruits enclosed in wax, pitch, plaster, paste, or any the like case or covering, keep green very long.

21. It is manifest that flies, spiders, ants, or the like small creatures, falling by chance into amber, or the gums of trees, and so finding a burial in them, do never after corrupt or rot, although they be soft and tender bodies.

22. Grapes are kept long by being hanged up in bunches; the same is of other fruits. For there is a twofold commodity of this thing; the one, that they are kept without pressing or bruising, which they must needs suffer, if they were laid upon any hard substance; the other, that the air doth encompass them on every side alike.

23. It is observed that putrefaction, no less than desiccation in vegetables, doth not begin in every part alike, but chiefly in that part where, being alive, it did attract nourishment. Therefore some advise to cover the stalks of apples or other fruits with wax or pitch.

24. Great wicks of candles or lamps do sooner consume the tallow or oil than lesser wicks; also wicks of cotton sooner than those of rush or straw, or small twigs; and in staves of torches, those of juniper or fir sooner than those of ash; likewise flame moved and fanned with the wind sooner than that which is still. And, therefore, candles set in a lantern will last longer than in the open air. There is a tradition, that lamps set in sepulchres will last an incredible time.

25. The nature also and preparation of the nourishment conduceth no less to the lasting of lamps and candles, than the nature of the flame; for wax will last longer than tallow, and tallow a little wet longer than tallow dry, and wax candles old made longer than wax candles new made.

26. Trees, if you stir the earth about their root every year, will continue less time; if once in four or perhaps in ten years, much longer; also cutting off the suckers and young shoots will make them live the longer; but dunging them, or laying of marl about their roots, or much watering them, adds to their fertility, but cuts off from their long lasting. And thus much touching the prohibiting of desiccation or consumption.

27. The inteneration or making tender of that which is dried (which is the chief matter) affords but a small number of experiments. And therefore some few experiments which are found in living creatures, and also in man, shall be joined together.

28. Bands of willow, wherewith they use to bind trees, laid in water, grow more flexible; likewise they put boughs of birch (the ends of them) in earthen pots filled with water, to keep

them from withering; and bowls cleft with dryness steeped in water close again.

29. Boots grown hard and obstinate with age, by greasing them before the fire with tallow, wax soft, or being only held before the fire, get some softness. Bladders and parchments hardened also become tender with warm water mixed with tallow or any fat thing, but much the better if they be a little chafed.

30. Trees grown very old, that have stood long without any culture, by digging and opening the earth about the roots of them, seem to grow young again, and put forth young branches.

31. Old draught oxen worn out with labour, being taken from the yoke, and put into fresh pasture, will get young and tender flesh again; insomuch that they will eat as fresh and tender as a steer.

32. A strict emaciating diet of guiacum, biscuit, and the like, (wherewith they use to cure the French pox, old catarrhs, and some kind of dropsies,) doth first bring men to great poverty and leanness, by wasting the juices and humours of the body, which after they begin to be repaired again seem manifestly more vigorous and young. Nay, and I am of opinion, that emaciating diseases afterwards well cured have advanced many in the way of long life.

Observations.

1. Men see clearly, like owls, in the night of their own notions, but in experience, as in the daylight, they wink, and are but half-sighted. They speak much of the elementary quality of siccity or dryness, and of things desiccating, and of the natural periods of bodies in which they are corrupted and consumed; but meanwhile, either in the beginnings, or middle passages, or last acts of desiccation and consumption, they observe nothing that is of moment.

2. Desiccation or consumption in the process thereof is finished by three actions; and all these (as was said before) have their original from the native spirit of bodies.

3. The first action is the attenuation of the moisture into spirit; the second is, the issuing forth or flight of the spirit; the third is, the contraction of the grosser parts of the body immediately after the spirit issued forth. And this last is, that desiccation and induration, which we chiefly handle, the former two consume only.

4. Touching attenuation, the matter is manifest: for the spirit which is enclosed in every tangible body forgets not its nature, but whatsoever it meets withal in the body (in which it is enclosed) that it can digest and master, and turn into itself, that it plainly alters and subdues, and multiplies itself upon it, and begets new spirit. And this evicted by one proof, instead of many; for that those things which are thoroughly dried are lessened in their weight, and become hollow, porous, and resounding from within. Now it is most certain, that the inward spirit of any thing confers nothing to the weight, but rather lightens it; and therefore it must needs be, that the same spirit hath turned into it the moisture and juice of the body which weighed before, by which means the weight is lessened. And this is the first action, the attenuation of the moisture and converting it into spirit.

5. The second action, which is the issuing forth or flight of the spirit, is as manifest also. For that issuing forth, when it is in throngs, is apparent even to the sense, in vapours to the sight, in odours to the smelling; but if it issueth forth slowly, (as when a thing is decayed by age,) then it is not apparent to the sense, but the matter is the same. Again, where composure of the body is either so strait, or so tenacious, that the spirit can find no pores or passages by which to depart, then in the striving to get out, it drives before it the grosser parts of the body, and protrudes them beyond the superfices or surface of the body; as it is in the rust of metals, and mould of all fat things. And this is the second action, the issuing forth or flight of the spirit.

6. The third action is somewhat more obscure, but full as certain; that is, the contraction of the grosser parts after the spirit issued forth. And this appears, first, in that bodies after the spirit issued forth do manifestly shrink, and fill a less room, as it is in the kernels of nuts, which after they are dried, are too little for the shells: and in beams and planchers of houses, which at first lay close together, but after they are dried give, and likewise in bowls, which through drought grow full of crannies, the parts of the bowl contracting themselves together, and after contraction must needs be empty spaces. Secondly, it appears by the wrinkles of bodies dried; for the endeavour of contracting itself is such, that by the contraction it brings the parts nearer together, and so lifts them up; for whatsoever is contracted on the sides, is lifted up in the midst: and this is to be seen in papers and old parchments, and in the skins of living creatures, and in the coats of soft cheeses, all which with age gather wrinkles. Thirdly, this contraction shows itself most in those things which by heat are not only wrinkled, but ruffled and plighted, and, as it were, rolled together, as it is in papers, and parchments, and leaves, brought near the fire; for contraction by age, which is more slow, commonly causeth wrinkles, but contraction by the fire, which is more speedy, causeth plighting. Now in most things where it comes not to wrinkling or plighting, there is simple contraction, and angustiation or straitening, and induration or hardening, and desiccation, as was showed in the first place. But if the issuing forth of the spirit, and absumption or waste of the moisture

be so great that there is not left body sufficient to unite and contract itself, then of necessity contraction must cease, and the body become putrid, and nothing else but a little dust cleaving together, which with a light touch is dispersed, and falleth asunder; as it is in bodies that are rotten, and in paper burnt, and linen made into tinder, and carcasses embalmed after many ages. And this is the third action, the contraction of the grosser parts after the spirit issueth forth.

7. It is to be noted, that fire and heat dry only by accident, for their proper work is to attenuate and dilate the spirit and moisture, and then it follows by accident that the other parts should contract themselves, either for the flying of vacuum alone, or for some other motion withal, whereof we now speak not.

8. It is certain that putrefaction taketh its original from the native spirit, no less than arefaction, but it goeth on a far different way; for in putrefaction, the spirit is not simply vapoured forth, but being detained in part, works strange garboils, and the grosser parts are not so much locally contracted, as they congregate themselves to parts of the same nature.

Length and Shortness of Life in living Creatures.

To the first article. The history.

Touching the length and shortness of life in living creatures, the information which may be had is but slender, observation is negligent, and tradition fabulous. In tame creatures their degenerate life corrupteth them, in wild creatures their exposing to all weathers often intercepteth them; neither do those things which may seem concomitants give any furtherance to this information, (the greatness of their bodies, their time of bearing in the womb, the number of their young ones, the time of their growth, and the rest,) in regard that these things are intermixed, and sometimes they concur, sometimes they sever.

1. Man's age (as far as can be gathered by any certain narration) doth exceed the age of all other living creatures, except it be of a very few only, and the concomitants in him are very equally disposed, his stature and proportion large, his bearing in the womb nine months, his fruit commonly one at a birth, his puberty at the age of fourteen years, his time of growing till twenty.

2. The elephant, by undoubted relation, exceeds the ordinary race of man's life, but his bearing in the womb the space of ten years is fabulous; of two years, or at least above one, is certain. Now, his bulk is great, his time of growth until the thirtieth year, his teeth exceeding hard, neither hath it been observed that his blood is the coldest of all creatures; his age hath sometimes reached to two hundred years.

3. Lions are accounted long livers, because many of them have been found toothless, a sign not so certain, for that may be caused by their strong breath.

4. The bear is a great sleeper, a dull beast, and given to ease, and yet not noted for long life; nay, he has this sign of short life, that his bearing in the womb is but short, scarce full forty days.

5. The fox seems to be well disposed in many things for long life; he is well skinned, feeds on flesh, lives in dens, and yet he is noted not to have that property. Certainly he is a kind of dog, and that kind is but short-lived.

6. The camel is a long liver, a lean creature, and sinewy; so that he doth ordinarily attain to fifty, and sometimes to a hundred years.

7. The horse lives but to a moderate age, scarce to forty years, his ordinary period is twenty years. but, perhaps, he is beholden for this shortness of life to man; for we have now no horses of the sun that live freely, and at pleasure, in good pastures; notwithstanding, the horse grows till he be six years old, and is able for generation in his old age. Besides, the mare goeth longer with her young one than a woman, and brings forth two at a burden more rarely. The ass lives commonly to the horse's age, but the mule outlives them both.

8. The hart is famous amongst men for long life, yet not upon any relation that is undoubted. They tell of a certain hart that was found with a collar about his neck, and that collar hidden with fat. The long life of the hart is the less credible. because he comes to his perfection at the fifth year, and not long after his horns (which he sheds and renews yearly) grow more narrow at the root, and less branched.

9. The dog is but a short liver, he exceeds not the age of twenty years, and, for the most part, lives not to fourteen years; a creature of the hottest temper, and living in extremes, for he is commonly either in vehement motion, or sleeping; besides, the bitch bringeth forth many at a burden, and goeth nine weeks.

10. The ox likewise, for the greatness of his body and strength, is but a short liver, about some sixteen years, and the males live longer than the females: notwithstanding, they bear usually but one at a burden, and go nine months; a creature dull, fleshy, and soon fatted, and living only upon herby substances, without grain.

11. The sheep seldom lives to ten years, though he be a creature of a moderate size, and excellently clad; and, that which may seem a wonder, being a creature with so little a gall, yet he hath the most curled coat of any other, for the hair of no creature is so much curled as wool is. The rams generate not before the third year, and continue able for generation until the eighth. The ewes bear young as long as they live. The sheep is a diseased creature, and rarely lives to his full age.

12. The goat lives to the same age with the sheep, and is not much unlike in other things, though he be a creature more nimble, and of somewhat a firmer flesh, and so should be longer lived; but then he is much more lascivious, and that shortens his life.

13. The sow lives to fifteen years, sometimes to twenty; and though it be a creature of the moistest flesh, yet that seems to make nothing to length of life. Of the wild boar, or sow, we have nothing certain.

14. The cat's age is betwixt six and ten years; a creature nimble and full of spirit, whose seed (as Ælian reports) burneth the female; whereupon, it is said, that the cat conceives with pain, and brings forth with ease. A creature ravenous in eating, rather swallowing down his meat whole than feeding.

15. Hares and coneys attain scarce to seven years, being both creatures generative, and with young ones of several conceptions in their bellies. In this they are unlike, that the coney lives under ground, and the hare above ground. And, again, that the hare is of a more duskish flesh.

16. Birds, for the size of their bodies, are much lesser than beasts; for an eagle or swan is but a small thing in comparison of an ox or horse, and so is an ostrich to an elephant.

17. Birds are excellently well clad, for feathers, for warmth and close sitting to the body, exceed wool and hairs.

18. Birds, though they hatch many young ones together, yet they bear them not all in their bodies at once, but lay their eggs by turns, whereby their fruit hath the more plentiful nourishment whilst it is in their bodies.

19. Birds chew little or nothing, but their meat is found whole in their crops, notwithstanding, they will break the shells of fruit and pick out the kernels; they are thought to be of a very hot and strong concoction.

20. The motion of birds in their flying, is a mixed motion, consisting of a moving of the limbs, and of a kind of carriage, which is the most wholesome kind of exercise.

21. Aristotle noted well touching the generation of birds, (but he transferred it ill to other living creatures,) that the seed of the male confers less to generation than the female, but that it rather affords activity than matter; so that fruitful eggs and unfruitful eggs are hardly distinguished.

22. Birds (almost all of them) come to their full growth the first year, or a little after. It is true, that their feathers, in some kinds, and their bills, in others, show their years; but, for the growth of their bodies, it is not so.

23. The eagle is accounted a long liver, yet his years are not set down; and, it is alleged, as a sign of his long life, that he casts his bill, whereby he grows young again; from whence comes that old proverb, the old age of an eagle. Notwithstanding, perchance, the matter may be thus, that the renewing of the eagle doth not cast his bill, but the casting of his bill is the renewing of the eagle; for, after that his bill is drawn to a great crookedness, the eagle feeds with much difficulty.

24. Vultures are also affirmed to be long livers, insomuch that they extend their life well near to a hundred years. Kites likewise, and so all birds that feed upon flesh, and birds of prey, live long. As for hawks, because they lead a degenerate and servile life, for the delight of men, the term of their natural life is not certainly known; notwithstanding, amongst mewed hawks, some have been found to have lived thirty years, and amongst wild hawks, forty years.

25. The raven, likewise, is reported to live long, sometimes to a hundred years. He feeds on carrion, and flies not often, but rather is a sedentary and melancholic bird, and hath very black flesh. But the crow, like unto him in most things, (except in greatness and voice,) lives not altogether so long, and yet is reckoned amongst the long livers.

26. The swan is certainly found to be a long liver, and exceeds not unfrequently a hundred years. He is a bird excellently plumed, a feeder upon fish, and is always carried, and that in running waters.

27. The goose also may pass amongst the long livers, though his food be commonly grass, and such kind of nourishment, especially the wild goose; whereupon this proverb gr[illegible] amongst the Germans, Magis senex quam anser nivalis; older than a wild goose.

28. Storks must needs be long livers, if that be true which was anciently observed of them, that they never came to Thebes, because that city was often sacked. This, if it were so, then either they must have the knowledge of more ages than one, or else the old ones must tell their young the history. But there is nothing more frequent than fables.

29. For fables do so abound touching the phœnix, that the truth is utterly lost, if any such bird there be. As for that which was so much admired, that she was ever seen abroad with a great troop of birds about her, it is no such wonder; for the same is usually seen about an owl flying in the daytime, or a parrot let out of a cage.

30. The parrot hath been certainly known to have lived threescore years in England, how old soever he was before he was brought over; a bird eating almost all kinds of meats, chewing his meat, and renewing his bill: likewise curst and mischievous, and of a black flesh.

31. The peacock lives twenty years, but he comes not forth with his argus eyes before he be three years old; a bird slow of pace, having whitish flesh.

32. The dunghill cock is venereous, martial, and but of a short life; a crank bird, having also white flesh.

33. The Indian cock, commonly called the turkey cock, lives not much longer than the dunghill cock; an angry bird, and hath exceeding white flesh.

34. The ringdoves are of the longest sort of livers, insomuch that they attain sometimes to fifty years of age; an airy bird, and both builds and sits on high. But doves and turtles are but short-lived, not exceeding eight years.

35. But pheasants and partridges may live to sixteen years. They are great breeders, but not so white of flesh as the ordinary pullen.

36. The blackbird is reported to be, amongst the lesser birds, one of the longest livers; an unhappy bird, and a good singer.

37. The sparrow is noted to be of a very short life; and it is imputed in the males to their lasciviousness. But the linnet, no bigger in body than the sparrow, hath been observed to have lived twenty years.

38. Of the ostrich we have nothing certain; those that were kept here have been so unfortunate, but no long life appeared by them. Of the bird ibis we find only that he liveth long, but his years are not recorded.

39. The age of fishes is more uncertain than that of terrestrial creatures, because living under the water they are the less observed; many of them breathe not, by which means their vital spirit is more closed in; and, therefore, though they receive some refrigeration by their gills, yet that refrigeration is not so continual as when it is by breathing.

40. They are free from the desiccation and depredation of the air ambient, because they live in the water, yet there is no doubt but the water, ambient, and piercing, and received into the pores of the body, doth more hurt to long life than the air doth.

41. It is affirmed, too, that their blood is not warm. Some of them are great devourers, even of their own kind. Their flesh is softer and more tender than that of terrestrial creatures; they grow exceedingly fat, insomuch that an incredible quantity of oil will be extracted out of one whale.

42. Dolphins are reported to live about thirty years; of which thing a trial was taken in some of them by cutting off their tails: they grow until ten years of age.

43. That which they report of some fishes is strange, that after a certain age their bodies will waste and grow very slender, only their head and tail retaining their former greatness.

44. There were found in Cæsar's fishponds lampreys to have lived threescore years; they were grown so familiar with long use, that Crassus, the orator, solemnly lamented one of them.

45. The pike, amongst fishes living in fresh water, is found to last longest, sometimes to forty years; he is a ravener, of a flesh somewhat dry and firm.

46. But the carp, bream, trench, eel, and the like, are not held to live above ten years.

47. Salmons are quick of growth, short of life; so are trouts; but the perch is slow of growth, long of life.

48. Touching that monstrous bulk of the whale or ork, how long it is weiled by vital spirit, we have received nothing certain; neither yet touching the sea-calf, and sea-hog, and other innumerable fishes.

49. Crocodiles are reported to be exceeding long-lived, and are famous for the times of their growth, for that they, amongst all other creatures, are thought to grow during their whole life. They are of those creatures that lay eggs, ravenous, cruel, and well fenced against the waters. Touching the other kinds of shell-fish, we find nothing certain how long they live.

Observation.

To find out a rule touching length and shortness of life in living creatures is very difficult, by reason of the negligence of observations, and the intermixing of causes. A few things we will set down.

1. There are more kinds of birds found to be long-lived than of beasts; as the eagle, the vulture, the kite, the pelican, the raven, the crow, the swan, the goose, the stork, the crane, the bird called the ibis, the parrot, the ringdove, with the rest, though they come to their full growth within a year, and are less of bodies; surely their clothing is excellent good against the distemperatures of the weather; and, besides, living for the most part in the open air, they are like the inhabitants of pure mountains, which are long-lived. Again, their motion, which (as I elsewhere said) is a mixed motion, compounded of a moving of their limbs and of a carriage in the air, doth less weary and wear them, and it is more wholesome. Neither do they suffer any compression or want of nourishment in their mother's bellies, because the eggs are laid by turns. But the chiefest cause of all I take to be is this, that birds are made more of the substance of the mother than of the father, whereby their spirits are not so eager and hot.

2. It may be a position, that creatures which partake more of the substance of their mother than of their father, are long-lived, as birds are, which was said before. Also, that those which have a longer time of bearing in the womb, do partake more of the substance of their mother, less of the father, and so are longer lived; insomuch, that I am of opinion, that even amongst men, (which I have noted in some,) those that resemble their mothers most are longest lived; and so are the children of old men begotten of young wives, if the fathers be sound, not diseased

3. The first breeding of creatures is ever material, either to their hurt or benefit. And, therefore, it stands with reason, that the lesser compression, and the more liberal alimentation of the young one in the womb, should confer much to long life. Now, this happens when either the young ones are brought forth successively, as in birds; or when they are single birth, as in creatures bearing but one at a burden.

4. But long bearing in the womb makes for length of life three ways. First, for that the young one partakes more of the substance of the mother, as hath been said. Secondly, that it comes forth more strong and able. Thirdly, that it undergoes the predatory force of the air later. Besides, it shows that nature intendeth to finish their periods by larger circles. Now, though oxen, and sheep, which are borne in the womb about six months, are but short-lived, that happens for other causes.

5. Feeders upon grass and mere herbs are but short livers, and creatures feeding upon flesh, or seeds, or fruits, long livers, as some birds are. As for harts, which are long-lived, they take the one-half of their meat (as men use to say) from above their heads; and the goose, besides grass, findeth something in the water and stubble to feed upon.

6. We suppose that a good clothing of the body maketh much to long life; for it fenceth and armeth against the intemperances of the air, which do wonderfully assail and decay the body; which benefit birds especially have. Now, that sheep, which have so good fleeces, should be so short-lived, that is to be imputed to diseases, whereof that creature is full, and to the bare eating of grass.

7. The seat of the spirits, without doubt, is principally the head, which, though it be usually understood of the animal spirits only, yet this is all in all. Again, it is not to be doubted but the spirits do most of all waste and prey upon the body, so that when they are either in greater plenty, or in greater inflammation and acrimony, there the life is much shortened. And, therefore, I conceive a great cause of long life in birds to be the smallness of their heads in comparison of their bodies; for even men, which have very great heads, I suppose to be the shorter livers.

8. I am of opinion that carriage is, of all other motions, the most helpful to long life, which I also noted before. Now, there are carried waterfowls upon the water, as swans; all birds in their flying, but with a strong endeavour of their limbs; and fishes, of the length of whose lives we have no certainty.

9. Those creatures which are long before they come to their perfection, (not speaking of growth in stature only, but of other steps to maturity, as man puts forth, first, his teeth, next, the signs of puberty, then his beard, and so forward,) are long-lived, for it shows that nature finished her periods by larger circles.

10. Milder creatures are not long-lived, as the sheep and dove; for choler is as the whetstone and spur to many functions in the body.

11. Creatures whose flesh is more duskish, are longer lived than those that have white flesh; for it showeth that the juice of the body is more firm, and less apt to dissipate.

12. In every corruptible body quantity maketh much to the conservation of the whole; for a great fire is longer in quenching, a small portion of water is sooner evaporated, the body of a tree withereth not so fast as a twig. And, therefore, generally, (I speak it of species, not of individuals,) creatures that are large in body are longer lived than those that are small, unless there be some other potent cause to hinder it.

Alimentation or Nourishment; and the way of Nourishing.

To the fourth article. The history.

1. Nourishment ought to be of an inferior nature, and more simple substances than the thing nourished. Plants are nourished with the earth and water, living creatures with plants, man with living creatures. There are also certain creatures feeding upon flesh, and man himself takes plants into a part of his nourishment; but man and creatures feeding upon flesh are scarcely nourished with plants alone; perhaps fruit or grains, baked or boiled, may, with long use, nourish them; but leaves, or plants, or herbs, will not do it, as the order of Foliatanes showed by experience.

2. Over great affinity or consubstantiality of the nourishment to the thing nourished, proveth not well; creatures feeding upon herbs touch no flesh; and of creatures feeding upon flesh, few of them eat their own kind. As for men which are cannibals, they feed not ordinarily upon man's flesh, but reserve it as a dainty, either to serve their revenge upon their enemies, or to satisfy their appetite at some times. So the ground is best sown with seed growing elsewhere, and men do not use to graft or inoculate upon the same stock.

3. By how much the more the nourishment is better prepared, and approacheth nearer in likeness to the thing nourished, by so much the more are plants more fruitful, and living creatures in better liking and plight; for a young slip or cion is not so well nourished if it be pricked into the ground, as if it be grafted into a stock agreeing with it in nature, and where it finds the nourishment already digested and prepared; neither (as is reported) will the seed of an onion, or some such like, sown in the bare earth, bring forth so large a fruit as if it be put into another onion, which is a new kind of grafting into the root or

under ground. Again, it hath been found out lately, that a slip of a wild tree, as of an elm, oak, ash, or such like, grafted into a stock of the same kind, will bring forth larger leaves than those that grow without grafting. Also men are not nourished so well with raw flesh as with that which hath passed the fire.

4. Living creatures are nourished by the mouth, plants by the root, young ones in the womb by the navel. Birds for a while are nourished with the yolk in the egg, whereof some is found in their crops after they are hatched.

5. All nourishment moveth from the centre to the circumference, or from the inward to the outward; yet it is to be noted, that in trees and plants the nourishment passeth rather by the bark and outward parts, than by the pith and inward parts; for if the bark be pulled off, though but for a small breadth round, they live no more; and the blood in the veins of living creatures doth no less nourish the flesh beneath than the flesh above it.

6. In all alimentation or nourishment there is a twofold action, extusion, and attraction; whereof the former proceeds from the inward function, the latter from the outward.

7. Vegetables assimilate their nourishment simply, without excerning; for gums and tears of trees are rather exuberances than excrements, and knots or knobs are nothing but diseases. But the substance of living creatures is more perceptible of the like; and, therefore, it is conjoined with a kind of disdain, whereby it rejecteth the bad and assimilateth the good.

8. It is a strange thing of the stalks of fruits, that all the nourishment which produceth sometimes such great fruits, should be forced to pass through so narrow necks; for the fruit is never joined to the stocks without some stalk.

9. It is to be noted, that the seeds of living creatures will not be fruitful but when they new shed, but the seeds of plants will be fruitful a long time after they are gathered; yet the slips or cions of trees will not grow unless they be grafted green, neither will the roots keep long fresh unless they be covered with earth.

10. In living creatures there are degrees of nourishment according to their age; in the womb, the young one is nourished with the mother's blood; when it is new-born, with milk; afterwards with meats and drinks: and in old age the most nourishing and savoury meats please best.

Above all, it maketh to the present inquisition, to inquire diligently and attentively whether a man may not receive nourishment from without, at least some other way besides the mouth. We know that baths of milk are used in some hectic fevers, and when the body is brought extreme low, and physicians do provide nourishing glisters. This matter would be well studied; for if nourishment may be made either from without, or some other way than by the stomach, then the weakness of concoction, which is incident to old men, might be recompensed by these helps, and concoction restored to them entire.

Length and Shortness of Life in Man.

To the fifth, sixth, seventh, eighth, ninth, and eleventh articles The History.

1. Before the flood, as the sacred Scriptures relate, men lived many hundred years; yet none of the fathers attained to a full thousand. Neither was this length of life peculiar only to grace or the holy line; for there are reckoned of the fathers, until the flood, eleven generations; but of the sons of Adam, by Cain, only eight generations; so as the posterity of Cain may seem the longer lived. But this length of life, immediately after the flood, was reduced to a moiety, but in the postnati; for Noah, who was born before, equalled the age of his ancestors, and Sem saw the six hundredth year of his life. Afterwards, three generations being run from the flood, the life of man was brought down to a fourth part of the primitive age, that was, to about two hundred years.

2. Abraham lived a hundred and seventy and five years; a man of a high courage, and prosperous in all things. Isaac came to a hundred and eighty years of age; a chaste man, and enjoying more quietness than his father. But Jacob, after many crosses, and a numerous progeny, lasted to the one hundred and forty-seventh year of his life; a patient, gentle, and wise man. Ismael, a military man, lived a hundred and thirty and seven years. Sarah (whose years only amongst women are recorded) died in the hundred and twenty-seventh year of her age; a beautiful and magnanimous woman, a singular good mother and wife, and yet no less famous for her liberty than obsequiousness towards her husband. Joseph, also, a prudent and politic man, passing his youth in affliction, afterwards advanced to the height of honour and prosperity, lived a hundred and ten years. But his brother Levi, older than himself, attained to a hundred and thirty-seven years; a man impatient of contumely and revengeful. Near unto the same age attained the son of Levi; also his grandchild, the father of Aaron and Moses.

3. Moses lived a hundred and twenty years; a stout man, and yet the meekest upon the earth, and of a very slow tongue. Howsoever, Moses, in his psalm, pronounceth that the life of man is but seventy years, and if a man have strength, then eighty; which term of man's life standeth firm in many particulars even at this day. Aaron, who was three years the older, died the same year with his brother; a man of a readier speech, of a more facile disposition, and less constant. But Phineas, grandchild of Aaron, (perhaps out of extraordinary grace,) may be collected to have

lived three hundred years; if so be the war of the Israelites against the tribe of Benjamin (in which expedition Phineas consulted with) were performed in the same order of time in which the history hath ranked it; he was a man of a most eminent zeal. Joshua, a martial man and an excellent leader, and evermore victorious, lived to the hundred and tenth year of his life. Caleb was his contemporary, and seemeth to have been of as great years. Ehud, the judge, seems to have been no less than a hundred years old, in regard that after the victory over the Moabites, the Holy Land had rest under his government eighty years; he was a man fierce and undaunted, and one that in a sort neglected his life for the good of his people.

4. Job lived, after the restoration of his happiness, a hundred and forty years, being, before his afflictions, of that age that he had sons at man's estate; a man politic, eloquent, charitable, and the example of patience. Eli, the priest, lived ninety-eight years; a corpulent man, calm of disposition, and indulgent to his children. But Elizæus, the prophet, may seem to have died when he was above a hundred years old; for he is found to have lived after the assumption of Elias sixty years; and at the time of that assumption he was of those years, that the boys mocked him by the name of baldhead; a man vehement and severe, and of an austere life, and a contemner of riches. Also Isaiah, the prophet, seemeth to have been a hundred years old; for he is found to have exercised the function of a prophet seventy years together, the years both of his beginning to prophecy, and of his death, being uncertain; a man of an admirable eloquence, an evangelical prophet, full of the promises of God of the New Testament, as a bottle with sweet wine.

5. Tobias, the elder, lived a hundred and fifty-eight years, the younger a hundred and twenty-seven; merciful men, and great alms-givers. It seems, in the time of the captivity, many of the Jews who returned out of Babylon were of great years, seeing they could remember both temples, (there being no less than seventy years betwixt them,) and wept for the unlikeness of them. Many ages after that, in the time of our Saviour, lived old Simeon, to the age of ninety; a devout man, and full both of hope and expectation. Into the same time also fell Anna, the prophetess, who could not possibly be less than a hundred years old, for she had been seven years a wife, about eighty-four years a widow, besides the years of her virginity, and the time that she lived after her prophecy of our Saviour; she was a holy woman, and passed her days in fastings and prayers.

6. The long lives of men mentioned in heathen authors have no great certainty in them; both for the intermixture of fables, whereunto those kind of relations were very prone, and for their false calculation of years. Certainly of the Egyptians we find nothing of moment in those works that are extant, as touching long life; for their kings which reigned longest did not exceed fifty, or five-and-fifty years; which is no great matter, seeing many at this day attain to those years. But the Arcadian kings are fabulously reported to have lived very long. Surely that country was mountainous, full of flocks of sheep, and brought forth most wholesome food, notwithstanding, seeing Pan was their god, we may conceive that all things about them were panic and vain, and subject to fables.

7. Numa, King of the Romans, lived to eighty years; a man peaceable, contemplative, and much devoted to religion. Marcus Valerius Corvinus saw a hundred years complete, there being betwixt his first and sixth consulship forty-six years; a man valorous, affable, popular, and always fortunate.

8. Solon of Athens, the lawgiver, and one of the seven wise men, lived above eighty years, a man of high courage, but popular, and affected to his country; also learned, given to pleasures, and a soft kind of life. Epimenides, the Cretian, is reported to have lived a hundred and fifty-seven years; the matter is mixed with a prodigious relation, for fifty-seven of those years he is said to have slept in a cave. Half an age after, Xenophon, the Colophonian, lived a hundred and two years, or rather more; for at the age of twenty-five years he left his country, seventy-seven complete years he travelled, and after that returned; but how long he lived after his return appears not; a man no less wandering in mind than in body; for his name was changed for the madness of his opinions, from Xenophanes to Xenomanes; a man, no doubt, of a vast conceit, and that minded nothing but infinitum.

9. Anacreon, the poet, lived eighty years, and somewhat better, a man lascivious, voluptuous, and given to drink. Pindarus, the Theban, lived to eighty years; a poet of a high fancy, singular in his conceits, and a great adorer of the gods. Sophocles, the Athenian, attained to the like age; a lofty tragic poet, given over wholly to writing, and neglectful of his family.

10. Artaxerxes, King of Persia, lived ninety-four years; a man of a dull wit, averse to the despatch of business, desirous of glory, but rather of ease. At the same time lived Agesilaus, King of Sparta, to eighty-four years of age; a moderate prince, as being a philosopher among kings, but, notwithstanding, ambitious, and a warrior, and no less stout in war than in business.

11. Gorgias, the Sicilian, was a hundred and eight years old; a rhetorician, and a great boaster of his faculty, one that taught youth for profit. He had seen many countries, and a little before his death said, that he had done nothing worthy of blame since he was an old man. Protagoras, of Abdera, saw ninety years of age. This man

was likewise a rhetorician, but professed not so much to teach the liberal arts, as the art of governing commonwealths and states; notwithstanding he was a great wanderer in the world, no less than Gorgias. Isocrates, the Athenian, lived ninety-eight years; he was a rhetorician also, but an exceeding modest man, one that shunned the public light, and opened his school only in his own house. Democritus, of Abdera, reached to a hundred and nine years; he was a great philosopher, and, if ever any man amongst the Grecians, a true naturalist, a surveyor of many countries, but much more of nature; also a diligent searcher into experiments, and (as Aristotle objected against him) one that followed similitudes more than the laws of arguments. Diogenes, the Sinopean, lived ninety years; a man that used liberty towards others, but tyranny over himself, a coarse diet, and of much patience. Zeno, of Citium, lacked about two years of a hundred; a man of a high mind, and a contemner of other men's opinions; also of a great acuteness, but yet not troublesome, choosing rather to take men's minds than to enforce them. The like whereof afterwards was in Seneca. Plato, the Athenian, attained to eighty-one years; a man of a great courage, but yet a lover of ease, in his notions sublime, and of a fancy, neat and delicate in his life, rather calm than merry, and one that carried a kind of majesty in his countenance. Theophrastus, the Eressian, arrived at eighty-five years of age; a man sweet for his eloquence, sweet for the variety of his matters, and who selected the pleasant things of philosophy, and let the bitter and harsh go. Carneades, of Cyrena, many years after, came to the like age of eighty-five years; a man of a fluent eloquence, and one who, by the acceptable and pleasant variety of his knowledge, delighted both himself and others. But Orbilius, who lived in Cicero's time, no philosopher or rhetorician, but a grammarian, attained to a hundred years of age; he was first a soldier, then a schoolmaster; a man by nature tart both in his tongue and pen, and severe towards his scholars.

12. Quintius Fabius Maximus was augur sixty-three years, which showed him to be above eighty years of age at his death; though it be true, that in the augurship nobility was more respected than age; a wise man, and a great deliberator, and in all his proceedings moderate, and not without affability severe. Masinissa, King of Numidia, lived ninety years, and being more than eighty-five, got a son; a daring man, and trusting upon his fortune, who in his youth had tasted of the inconstancy of fortune, but in his succeeding age was constantly happy. But Marcus Porcius Cato lived above ninety years of age; a man of an iron body and mind; he had a bitter tongue, and loved to cherish factions; he was given to husbandry, and was to himself and his family a physician.

13. Terentia, Cicero's wife, lived a hundred and three years; a woman afflicted with many crosses; first, with the banishment of her husband, then with the difference betwixt them; lastly, with his last fatal misfortune. She was also oftentimes vexed with the gout. Luccia must needs exceed a hundred by many years, for it is said, that she acted a whole hundred years upon the stage, at first, perhaps, representing the person of some young girl, at last of some decrepit old woman. But Galeria Copiola, a player also, and a dancer, was brought upon the stage as a novice, in what year of her age is not known; but ninety-nine years after, at the dedication of the theatre by Pompey the Great, she was shown upon the stage, not now for an actress, but for a wonder. Neither was this all; for after that, in the solemnities for the health and life of Augustus, she was shown upon the stage the third time.

14. There was another actress, somewhat inferior in age, but much superior in dignity, which lived well near ninety years, I mean Livia Julia Augusta, wife to Augustus Cæsar, and mother to Tiberius. For, if Augustus his life were a play, (as himself would have it, when as upon his death-bed he charged his friends they should give him a plaudit after he was dead,) certainly this lady was an excellent actress, who could carry it so well with her husband by a dissembled obedience, and with her son by power and authority. A woman affable, and yet of a matronal carriage, pragmatical, and unholding her power. But Junia, the wife of Caius Cassius, and sister of Marcus Brutus, was also ninety years old, for she survived the Philippic battle sixty-four years; a magnanimous woman, in her great wealth happy, in the calamity of her husband, and near kinsfolks, and in a long widowhood unhappy, notwithstanding much honoured of all.

15. The year of our Lord seventy-six, falling into the time of Vespasian, is memorable; in which we shall find, as it were, a calendar of long-lived men; for that year there was a taxing: (now, a taxing is the most authentical and truest informer touching the ages of men;) and in that part of Italy, which lieth betwixt the Apennine mountains and the river Po, there were found a hundred and four-and-twenty persons that either equalled or exceeded a hundred years of age: namely, of a hundred years, just fifty-four persons; of a hundred and ten, fifty seven persons; of a hundred and five-and-twenty, two only; of a hundred and thirty, four men; of a hundred and five-and-thirty, or seven-and-thirty, four more; of a hundred and forty, three men. Besides these, Parma in particular afforded five, whereof three fulfilled a hundred and twenty years, and two a hundred and thirty. Brussels afforded one of a hundred and twenty five years old. Placentia one, aged a hundred thirty-and one. Faventia one woman, aged one hundred thirty-and-two. A certain town, then called Vel-

leiatium, situate in the hills about Placentia, afforded ten, whereof six fulfilled a hundred and ten years of age, four a hundred and twenty. Lastly, Rimini, one of a hundred and fifty years, whose name was Marcus Aponius.

That our catalogue might not be extended too much in length, we have thought fit, as well in those whom we have rehearsed, as in those whom we shall rehearse, to offer none under eighty years of age. Now we have affixed to every one a true and short character or elogy; but of that sort whereunto, in our judgment, length of life (which is not a little subject to the manners and fortunes of men) hath some relation, and that in a twofold respect; either that such kind of men are for the most part long-lived, or that such men may sometimes be of long life, though otherwise not well disposed for it.

16. Amongst the Roman and Grecian emperors, also, the French and Almain, to these our days, which make up the number of well near two hundred princes, there are only four found that lived to eighty years of age; unto whom we may add the two first emperors, Augustus and Tiberius, whereof the latter fulfilled the seventy-and-eighth year, the former the seventy-and-sixth year of his age, and might both, perhaps, have lived to forescore, if Livia and Caius had been pleased. Augustus (as was said) lived seventy-and-six years; a man of moderate disposition, in accomplishing his designs vehement, but otherwise calm and serene; in meat and drink sober, venery intemperate, through all his lifetime happy; and who, about the thirtieth year of his life, had a great and dangerous sickness, insomuch as they despaired of life in him, whom Antonius Musa, the physician, when other physicians had applied hot medicines, as most agreeable to his disease, on the contrary cured with cold medicines, which perchance might be some help to the prolonging of his life. Tiberius lived to be two years older; a man with lean chaps, as Augustus was wont to say, for his speech stuck within his jaws, but was weighty. He was bloody, a drinker, and one that took lust into a part of his diet; notwithstanding a great observer of his health, insomuch that he used to say that he was a fool, that after thirty years of age took advice of a physician. Gordian, the elder, lived eighty years, and yet died a violent death, when he was scarce warm in his empire; a man of a high spirit, and renowned, learned, and a poet, and constantly happy throughout the whole course of his life, save only that he ended his days by a violent death. Valerian, the emperor, was seventy-six years of age before he was taken prisoner by Sapor, King of Persia. After his captivity he lived seven years in reproaches, and then died a violent death also; a man of a poor mind, and not valiant, notwithstanding lifted up in his own, and the opinion of men, but falling short in the performance. Anastasius, surnamed Dicorut, lived eighty-eight years; he was of a settled mind, but too abject, and superstitious, and fearful. Anicius Justinianus lived to eighty-three years, a man greedy of glory, performing nothing in his own person, but in the valour of his captains happy and renowned, uxorious, and not his own, but suffering others to lead him. Helena, of Britain, mother of Constantine the Great, was fourscore years old; a woman that intermeddled not in matters of state, neither in her husband's nor son's reign, but devoted herself wholly to religion; magnanimous, and perpetually flourishing. Theodora, the empress, (who was sister to Zoes, wife of Monomachus, and reigned alone after her decease,) lived above eighty years; a pragmatical woman, and one that took delight in governing; fortunate in the highest degree, and through her good fortunes credulous.

17. We will proceed now from these secular princes to the princes in the church; St. John, an apostle of our Saviour, and the beloved disciple, lived ninety-three years. He was rightly denoted under the emblem of the eagle, for his piercing sight into the divinity, and was a seraph amongst the apostles, in respect of his burning love. St. Luke, the Evangelist, fulfilled fourscore and four years; an eloquent man, and a traveller, St. Paul's inseparable companion, and a physician. Simeon, the son of Cleophas, called the brother of our Lord, and Bishop of Jerusalem, lived a hundred and twenty years, though he was cut short by martyrdom; a stout man, and constant, and full of good works. Polycarpus, disciple unto the apostles, and Bishop of Smyrna, seemeth to have extended his age to a hundred years and more, though he were also cut off by martyrdom; a man of a high mind, of an heroical patience, and unwearied with labours. Dionysius Areopagita, contemporary to the apostle St. Paul, lived ninety years; he was called the bird of heaven for his high-flying divinity, and was famous, as well for his holy life as for his meditations. Aquila and Priscilla, first St. Paul the apostle's hosts, afterwards his fellow-helpers, lived together in a happy and famous wedlock, at least to a hundred years of age apiece, for they were both alive under Pope Xistus the First; a noble pair, and prone to all kind of charity, who amongst other their comforts (which no doubt were great unto the first founders of the church) had this added, to enjoy each other so long in a happy marriage. St. Paul, the hermit, lived a hundred and thirteen years; now, he lived in a cave, his diet was so slender and strict, that it was thought almost impossible to support human nature therewithal; he passed his years only in meditations and soliloquies; yet he was not illiterate, or an idiot, but learned. Saint Anthony, the first founder of monks, or (as some will have it) the restorer only, attained to a hundred and five

years of age; a man devout and contemplative, though not unfit for civil affairs; his life was austere and mortifying, notwithstanding he lived in a kind of glorious solitude, and exercised a command, for he had his monks under him. And, besides, many Christians and philosophers came to visit him as a living image, from which they parted not without some adoration. St. Athanasius exceeded the term of eighty years; a man of an invincible constancy, commanding fame, and not yielding to fortune. He was free towards the great ones, with the people gracious and acceptable, beaten and practised to oppositions, and in delivering himself from them, stout and wise. St. Hierom, by the consent of most writers, exceeded ninety years of age; a man powerful in his pen, and of a manly eloquence, variously learned both in the tongues and sciences; also a traveller, and that lived strictly towards his old age, in an estate private, and not dignified; he bore high spirits, and shined far out of obscurity.

18. The Popes of Rome are in number, to this day, two hundred, forty, and one. Of so great a number, five only have attained to the age of fourscore years or upwards. But, in many of the first popes, their full age was intercepted by the prerogative and crown of martyrdom. John, the twenty-third* Pope of Rome, fulfilled the ninetieth year of his age; a man of an unquiet disposition, and one that studied novelty; he altered many things, some to the better, others only to the new, a great accumulator of riches and treasures. Gregory, called the twelfth, created in schism, and not fully acknowledged pope, died at ninety years. Of him, in respect of his short papacy, we find nothing to make a judgment upon. Paul, the third, lived eighty years and one; a temperate man, and of a profound wisdom; he was learned, an astrologer, and one that tended his health carefully, but, after the example of old Eli the priest, over-indulgent to his family. Paul the fourth attained to the age of eighty-three years; a man of a harsh nature, and severe, of a haughty mind, and imperious, prone to anger, his speech was eloquent and ready. Gregory the thirteenth fulfilled the like age of eighty-three years; an absolute good man, sound in mind and body, politic, temperate, full of good works, and an almsgiver.

19. Those that follow are to be more promiscuous in their order, more doubtful in their faith, and more barren of observation. King Arganthenius, who reigned at Cadiz in Spain, lived a hundred and thirty, or, as some would have it, a hundred and forty years, of which he reigned eighty. Concerning his manners, institution of his life, and the time wherein he reigned, there is a general silence. Cynirus, King of Cyprus, living in the island then termed the happy and pleasant island, is affirmed to have attained to a hundred and fifty or sixty years. Two Latin kings in Italy, the father and the son, are reported to have lived, the one eight hundred, the other six hundred years; but this is delivered unto us by certain philologists, who, though otherwise credulous enough, yet themselves have suspected the truth of this matter, or rather condemned it. Others record some Arcadian kings to have lived three hundred years; the country, no doubt, is a place apt for long life, but the relation I suspect to be fabulous. They tell of one Dando, in Illyrium, that lived without the inconveniences of old age, to five hundred years. They tell, also, of the Epians, a part of Ætolia, that the whole nation of them were exceeding long-lived, insomuch that many of them were two hundred years old; and that one principal man amongst them, named Litorius, a man of giantlike stature, could have told three hundred years. It is recorded, that on the top of the mountain Timolus, anciently called Tempsis, many of the inhabitants lived to a hundred and fifty years. We read that the Esseans, amongst the Jews, did usually extend their life to a hundred years. Now, that sect used a single or abstemious diet, after the rule of Pythagoras. Apollonius Tyaneus exceeded a hundred years, his face bewraying no such age; he was an admirable man, of the heathens reputed to have something divine in him, of the Christians held for a sorcerer; in his diet pythagorical, a great traveller, much renowned, and by some adored as a god; nothwithstanding, towards the end of his life, he was subject to many complaints against him, and reproaches, all which he made shift to escape. But, lest his long life should be imputed to his pythagorical diet, and not rather that it was hereditary, his grandfather before him lived a hundred and thirty years. It is undoubted, that Quintus Metellus lived above a hundred years; and that, after several consulships happily administered, in his old age he was made Pontifex Maximus, and exercised those holy duties full two-and-twenty years; in the performance of which rites his voice never failed, nor his hand trembled. It is most certain, that Appius Cæcus was very old, but his years are not extant, the most part whereof he passed after he was blind, yet this misfortune no whit softened him, but that he was able to govern a numerous family, a great retinue and dependence, yea, even the commonwealth itself, with great stoutness. In his extreme old age he was brought in a litter into the senate-house, and vehemently dissuaded the peace with Pyrrhus; the beginning of his oration was very memorable, showing an invincible spirit and strength of mind. "I have, with great grief of mind, (Fathers Conscript,) these many years borne my blindness, but now I could wish that I were deaf also, when I hear you speak to such dishonourable treaties." Marcus Perpenna lived ninety-eight years, surviving all those whose suffrages he had gathered in the

senate-house, being consul, I mean all the senators at that time, as also all those whom, a little after, being consul, he chose into the senate, seven only being excepted. Hiero, King of Sicily, in the time of the second Punic war, lived almost a hundred years; a man moderate both in his government and in his life, a worshipper of the gods, and a religious conserver of friendship, liberal, and constantly fortunate. Statilia, descended of a noble family, in the days of Claudius, lived ninety-nine years. Clodia, the daughter of Osilius, a hundred and fifteen. Xenophilus, an ancient philosopher, of the sect of Pythagoras, attained to a hundred and six years, remaining healthful and vigorous in his old age, and famous amongst the vulgar for his learning. The islanders of Corcyra were anciently accounted long-lived, but now they live after the rate of other men. Hipocrates Cous, the famous physician, lived a hundred and four years, and approved and credited his own art by so long a life; a man that coupled learning and wisdom together, very conversant in experience and observation; one that haunted not after words or methods, but served the very nerves of science, and so propounded them. Demonax, a philosopher, not only in profession, but practice, lived in the days of Adrian, almost to a hundred years; a man of a high mind, and a vanquisher of his own mind, and that truly and without affectation; a contemner of the world, and yet civil and courteous. When his friends spake to him about his burial, he said, Take no care for my burial, for stench will bury a carcass. They replied, Is it your mind then to be cast out to birds and dogs? He said, again, Seeing in my lifetime I endeavoured to my uttermost to benefit men, what hurt is it, if, when I am dead, I benefit beasts? Certain Indian people, called Pandoræ, are exceeding long-lived, even to no less than two hundred years. They had a thing more marvellous, that having, when they are boys, an air somewhat whitish, in their old age, before their gray hairs, they grow coalblack, though, indeed, this be everywhere to be seen, that they which have white hair whilst they are boys, in their man's estate, change their hairs into a darker colour. The Seres, another people of India, with their wine of palms, are accounted long livers, even to a hundred and thirty years. Euphranor, the grammarian, grew old in his school and taught scholars when he was above a hundred years old. The elder Ovid, father to the poet, lived ninety years, differing much from the disposition of his son, for he contemned the muses, and dissuaded his son from poetry. Asinius Pollio, intimate with Augustus, exceeded the age of a hundred years; a man of an unreasonable profuseness, eloquent, and a lover of learning, but vehement, proud, cruel, and one that made his private ends the centre of his thoughts. There was an opinion, that Seneca was an extreme old man, no less than a hundred and fourteen years of age, which could not possibly be, it being as improbable that a decrepit old man should be set over Nero's youth, as, on the contrary, it was true, that he was able to manage with great dexterity the affairs of state. Besides, a little before, in the midst of Claudius his reign, he was banished Rome for adulteries committed with some noble ladies, which was a crime no way compatible with so extreme old age. Johannes de Temporibus, among all the men of our latter ages, out of a common fame and vulgar opinion, was reputed long-lived, even to a miracle, or rather even to a fable; his age hath been counted above three hundred years. He was by nation a Frenchman, and followed the wars under Charles the Great. Garcius Aretine, great-grandfather to Petrarch, arrived at the age of a hundred and four years; he had ever enjoyed the benefit of good health, besides, at the last, he felt rather a decay of his strength, than any sickness or malady, which is the true resolution by old age. Amongst the Venetians there have been found not a few long livers, and those of the more eminent sort. Franciscus Donatus, Duke; Thomas Contarenus, procurator of Saint Mark; Franciscus Molinus, procurator also of Saint Mark, and others. But, most memorable, is that of Cornarus the Venetian, who, being in his youth of a sickly body, began first to eat and drink by measure to a certain weight, thereby to recover his health; this cure turned by use into a diet, that diet to an extraordinary long life, even of a hundred years and better, without any decay in his senses, and with a constant enjoying of his health. In our age, William Pestel, a Frenchman, lived to a hundred and well nigh twenty years, the top of his beard on the upper lip being black, and not gray at all; a man crazed in his brain, and of a fancy not altogether sound; a great traveller, mathematician, and somewhat stained with heresy.

20. I suppose there is scarce a village with us in England, if it be any whit populous, but it affords some man or woman of fourscore years of age; nay, a few years since, there was in the county of Hereford a May-game, or morrice-dance, consisting of eight men, whose age computed together made up eight hundred years; insomuch that what some of them wanted of a hundred, others exceeded as much.

21. In the hospital of Bethlehem, corruptly called Bedlam, in the suburbs of London, there are found from time to time many mad persons that live to a great age.

22. The ages of nymphs, fawns and satyrs, whom they make to be indeed mortal, but yet exceedingly long-lived, (a thing which ancient superstition, and the late credulity of some have admitted,) we account but for fables and dreams, especially being that which hath neither con-

sent with philosophy, nor with divinity. And as touching the history of long life in man by individuals, or next unto individuals, thus much. Now we will pass on to observations by certain heads.

23. The running on of ages, and succession of generations, seem to have no whit abated from the length of life. For we see, that from the time of Moses unto these our days, the term of man's life hath stood about fourscore years of age; neither hath it declined (as a man would have thought) by little and little. No doubt there are times in every country wherein men are longer or shorter lived. Longer, for the most part, when the times are barbarous, and men fare less deliciously, and are more given to bodily exercises. Shorter, when the times are more civil, and men abandon themseles to luxury and ease. But these things pass on by their turns, the succession of generations alters it not. The same, no doubt, is in other living creatures, for neither oxen, nor horses, nor sheep, nor any the like, are abridged of their wonted ages at this day. And, therefore, the great abridger of age was the flood; and perhaps some such notable accidents (as particular inundations, long droughts, earthquakes, or the like) may do the same again. And the like reason is in the dimension and stature of bodies, for neither are they lessened by succession of generations; howsoever Virgil (following the vulgar opinion) divined that after-ages would bring forth lesser bodies than the then present. Whereupon, speaking of ploughing up the Æmathian and Æmmensian fields, he saith, Grandiaque effossis mirabitur ossa sepulchris, That after-ages shall admire the great bones digged up in ancient sepulchres. For whereas it is manifested, that there were heretofore men of gigantine statures, (such as for certain have been found in Sicily and elsewhere, in ancient sepulchres and caves,) yet within these last three thousand years, a time whereof we have sure memory, those very places have produced none such, although this thing also hath certain turns and changes, by the civilizing of a nation, no less than the former. And this is the rather to be noted, because men are wholly carried away with an opinion, that there is a continual decay by succession of ages, as well in the term of man's life, as in the stature and strength of his body; and that all things decline and change to the worse.

24. In cold and northern countries men live longer commonly than in hot, which must needs be, in respect the skin is more compact and close, and the juices of the body less dissipable, and the spirits themselves less eager to consume, and in better disposition to repair, and the air (as being little heated by the sunbeams) less predatory. And yet, under the equinoctial line, where the sun passeth to and fro, and causeth a double summer, and double winter, and where the days and nights are more equal, (if other things be concurring,) they live also very long, as in Peru and Taprobane.

25. Islanders are, for the most part, longer lived than those that live in continents; for they live not so long in Russia as in the Orcades, nor so long in Africa, though under the same parallel, as in the Canaries and Terceras; and the Japonians are longer lived than the Chinese, though the Chinese are made upon long life. And this thing is no marvel, seeing the air of the sea doth heat and cherish in cooler regions, and cool in hotter.

26. High situations do rather afford long livers than low, especially if they be not tops of mountains, but rising grounds, as to their general situations; such as was Arcadia in Greece, and that part of Ætolia, where we related them to have lived so long. Now, there would be the same reason for mountains themselves, because of the pureness and clearness of the air, but that they are corrupted by accident, namely, by the vapours rising thither out of the valleys, and resting there; and, therefore, in snowy mountains there is not found any notable long life, not in the Alps, not in the Pyrenean mountains, not in the Apennine; yet in the tops of the mountains running along towards Æthiopia, and the Abyssines, where, by reason of the sands beneath, little or no vapour riseth to the mountains; they live long, even at this very day, attaining many times to a hundred and fifty years.

27. Marshes and fens are propitious to the natives, and malignant to strangers, as touching the lengthening and shortening of their lives; and that which may seem more marvellous, salt marshes, where the sea ebbs and flows, are less wholesome than those of fresh water.

28. The countries which have been observed to produce long livers are these; Arcadia, Ætolia, India on this side Ganges, Brazil, Taprobane, Britain, Ireland, with the islands of the Orcades and Hebrides: for as for Æthiopia, which by one of the ancients is reported to bring forth long livers, it is but a toy.

29. It is a secret; the healthfulness of air, especially in any perfection, is better found by experiment than by discourse or conjecture. You may make a trial by a lock of wool exposed for a few days in the open air, if the weight be not much increased; another by a piece of flesh exposed likewise, if it corrupt not over soon; another by a weatherglass, if the water interchange not too suddenly. Of these, and the like, inquire further.

30. Not only the goodness or pureness of the air, but also the equality of the air, is material to long life. Intermixture of hills and dales is pleasant to the sight, but suspected for long life. A plain, moderately dry, but yet not over barren or

sandy, nor altogether without trees and shade, is very convenient for length of life.

31. Inequality of air (as was even now said) in the place of our dwelling is naught; but change of air by travelling, after one be used unto it, is good, and, therefore, great travellers have been long lived. Also those that have lived perpetually in a little cottage, in the same place, have been long livers; for air accustomed consumeth less, but air changed nourisheth and repaireth more.

32. As the continuation and number of successions (which we said before) makes nothing to the length and shortness of life, so the immediate condition of the parents (as well the father as the mother) without doubt availeth much. For some are begotten of old men, some of young men, some of men of middle age. Again, some are begotten of fathers healthful and well disposed, others of diseased and languishing. Again, some of fathers immediately after repletion, or when they are drunk; others after sleeping, or in the morning. Again, some after a long intermission of Venus, others upon the act repeated. Again, some in the fervency of the father's love, (as it is commonly in bastards,) others after the cooling of it, as in long married couples. The same things may be considered on the part of the mother, unto which must be added the condition of the mother whilst she is with child, as touching her health, as touching her diet, the time of her bearing in the womb, to the tenth month or earlier. To reduce these things to a rule, how far they may concern long life, is hard; and so much the harder, for that those things which a man would conceive to be the best, will fall out to the contrary. For that alacrity in the generation which begets lusty and lively children, will be less profitable to long life, because of the acrimony and inflaming of the spirits. We said before, that to partake more of the mother's blood conduceth to long life. Also we suppose all things in moderation to be best; rather conjugal love than meretricious; the hour for generation to be the morning, a state of body not too lusty or full, and such like. It ought to be well observed, that a strong constitution in the parents, is rather good for them than for the child, especially in the mother. And, therefore, Plato thought ignorantly enough, that the virtue of generations halted, because the woman used not the same exercise both of mind and body with the men. The contrary is rather true; for the difference of virtue betwixt the male and the female is most profitable for the child, and the thinner women yield more towards the nourishment of the child, which also holds in nurses. Neither did the Spartan women, which married not before twenty-two, or, as some say, twenty-five, (and therefore were called manlike women,) bring forth a more generous or long-lived progeny than the Roman, or Athenian, or Theban women did, which were ripe for marriage at twelve or fourteen years; and if there were any thing eminent in the Spartans, that was rather to be imputed to the parsimony of their diet, than to the late marriages of their women. But this we are taught by experience, that there are some races which are long-lived for a few descents, so that life is like some diseases, a thing hereditary within certain bounds.

33. Fair in face, or skin, or hair, are shorter livers; black, or red, or freckled, longer. Also, too fresh a colour in youth doth less promise long life than paleness. A hard skin is a sign of long life rather than a soft; but we understand not this of a rugged skin, such as they call the goose-skin, which is, as it were, spongy, but of that which is hard and close. A forehead with deep furrows and wrinkles is a better sign than a smooth and plain forehead.

34. The hairs of the head hard, and like bristles, do betoken longer life than those that are soft and delicate. Curled hairs betoken the same thing, if they be hard withal; but the contrary, if they be soft and shining; the like if the curling be rather thick in large bunches.

35. Early or late, baldness is an indifferent thing, seeing many which have been bald betimes have lived long. Also, early gray hairs (howsoever they may seem forerunners of old age approaching) are no sure signs, for many that have grown gray betimes, have lived to great years; nay, hasty gray hairs, without baldness, is a token of long life; contrarily, if they be accompanied with baldness.

36. Hairiness of the upper parts is a sign of short life, and they that have extraordinary much hair on their breasts, live not long; but hairiness of the lower parts, as of the thighs and legs, is a sign of long life.

37. Tallness of stature, (if it be not immoderate,) with convenient making, and not too slender, especially if the body be active withal, is a sign of long life. Also, on the contrary, men of low stature live long, if they be not too active and stirring.

38. In the proportion of the body, they which are short to the waists, with long legs, are longer lived than they which are long to the waists, and have short legs. Also, they which are large in the nether parts, and straight in the upper, (the making of their body rising, as it were, into a sharp figure,) are longer lived than they that have broad shoulders, and are slender downwards.

39. Leanness, where the affections are settled, calm, and peaceable; also, a more fat habit of body, joined with choler, and a disposition stirring and peremptory, signify long life; but corpulency in youth foreshows short life; in age, it is a thing more indifferent.

40. To be long and slow in growing, is a sign of long life; if to a greater stature, the greater

sign; if to a lesser stature, yet a sign; though, contrarily, to grow quickly to a great stature, is an evil sign; if to a small stature, the less evil.

41. Firm flesh, a rawbone body, and veins laying higher than the flesh, betoken long life; the contrary to these, short life.

42. A head somewhat lesser than to the proportion of the body, a moderate neck, not long, nor slender, nor flat, nor too short; wide nostrils, whatsoever the form of the nose be; a large mouth, and ear gristly, not fleshy; teeth strong and contiguous, small or thin set, foretoken long life; and, much more, if some new teeth put forth in our elder years.

43. A broad breast, yet not bearing out, but rather bending inwards; shoulders somewhat crooked, and (as they call such persons) round-backed, a flat belly, a hand large, and with few lines in the palm; a short and round foot, thighs not fleshy, and calves of the legs not hanging over, but neat, are signs of long life.

44. Eyes somewhat large, and the circles of them inclined to greenness; senses not too quick; the pulse in youth slower, towards old age quicker; facility of holding the breath, and longer than usual; the body in youth inclined to be bound, in the decline of years more laxative, are also signs of long life.

45. Concerning the times of nativity, as they refer to long life, nothing has been observed worthy the setting down, save only astrological observations, which we rejected in our topics. A birth at the eighth month is not only long-lived, but not likely to live. Also, winter births are accounted the longer lived.

46. A pythagorical or monastical diet, according to strict rules, and always exactly equal, (as that of Conarus was,) seemeth to be very effectual for long life. Yet, on the contrary, amongst those that live freely, and after the common sort, such as have good stomachs and feed more plentifully, are often the longest lived. The middle diet, which we account the temperate, is commended, and conduceth to good health, but not to long life; for the spare diet begets few spirits, and dull, and so wasteth the body less, and the liberal diet yieldeth more ample nourishment, and so repaireth more; but the middle diet doth neither of both; for, where the extremes are hurtful, there the mean is best; but where the extremes are helpful, there the mean is nothing worth.

Now, to that spare diet there are requisite watching, lest the spirits, being few, should be oppressed with much sleep; little exercise, lest they should exhale; abstinence from venery, lest they should be exhausted; but to the liberal diet, on the other side, are requisite much sleep, frequent exercises, and a seasonable use of venery. Baths and anointings (such as were anciently in use) did rather tend to deliciousness, than to prolonging of life. But of all these things we shall speak more exactly when we come to the inquisition, according to intentions. Meanwhile that of Celsus, who was not only a learned physician, but a wise man, is not to be omitted, who adviseth interchanging and alternation of the diet, but still with an inclination to the more benign; as that a man should sometimes accustom himself to watching, sometimes to sleep, but to sleep oftenest. Again, that he should sometimes give himself to fasting, sometimes to feasting, but to feasting oftenest; that he should sometimes inure himself to great labours of the mind, sometimes to relaxations of the same, but to relaxations oftenest. Certainly this is without all question, that diet well ordered bears the greatest part in the prolongation of life; neither did I ever meet an extreme long-lived man, but being asked of his course, he observed something peculiar; some one thing, some another. I remember an old man, above a hundred years of age, who was produced, as witness, touching an ancient prescription. When he had finished his testimony, the judge familiarly asked him how he came to live so long: He answered, beside expectation, and not without the laughter of the hearers, By eating before I was hungry, and drinking before I was dry. But of these things we shall speak hereafter.

47. A life led in religion, and in holy exercises, seemeth to conduce to long life. There are in this kind of life these things, leisure, admiration, and contemplation of heavenly things, joys not sensual, noble hopes, wholesome fears, sweet sorrows. Lastly, continual renovations by observances, penances, expiations, all which are very powerful to the prolongation of life. Unto which if you add that austere diet which hardeneth the mass of the body, and humbleth the spirits, no marvel if an extraordinary length of life do follow; such was that of Paul, the hermit, Simeon Stelita, the columnar anchorite, and of many other hermits and anchorites.

48. Next to this is the life, led in good letters, such as was that of philosophers, rhetoricians, grammarians. This life is also led in leisure, and in those thoughts, which, seeing they are severed from the affairs of the world, bite not, but rather delight, through their variety and impertinency. They live also at their pleasure, spending their time in such things as like them best, and for the most part in the company of young men, which is ever the most cheerful. But in philosophies there is great difference betwixt the sects, as touching long life; for those philosophies which have in them a touch of superstition, and are conversant in high contemplations, are the best, as the pythagorical and platonic. Also those which did institute a perambulation of the world, and considered the variety of natural things, and had reachless, and high, and magnanimous thoughts, (as of infinitum, of the stars, of the heroical virtues, and such like,)

were good for lengthening of life; such were those of Democritus, Philolaus, Xenophanes, the astrologians and stoics. Also those which had no profound speculation in them, but discoursed calmly on both sides, out of common sense and the received opinions, without any sharp inquisitions, were likewise good; such were those of Carneades and the academics, also of the rhetoricians and grammarians. But, contrary, philosophies conversant in perplexing subtilties, and which pronounced peremptorily, and which examined and wrested all things to the scale of principles. Lastly, which were thorny and narrow were evil; such were those commonly of the peripatetics, and of the schoolmen.

49. The country life also is well fitted for long life; it is much abroad, and in the open air; it is not slothful, but ever in employment; it feedeth upon fresh cates, and unbought; it is without cares and envy.

50. For the military life, we have a good opinion of that whilst a man is young. Certainly many excellent warriors have been long-lived; Corvinus, Camillus, Xenophon, Agesilaus, with others, both ancient and modern. No doubt it furthereth long life, to have all things from our youth to our elder age mend, and grow to the better, that a youth full of crosses may minister sweetness to our old age. We conceive also, that military affections, inflamed with a desire of fighting, and hope of victory, do infuse such a heat into the spirits, as may be profitable for long life.

Medicines for Long Life.

To the tenth article.

The art of physic, which we now have, looks no further commonly than to conservation of health, and cure of diseases. As for those things which tend properly to long life, there is but slight mention, and by the way only. Notwithstanding, we will propound those medicines which are notable in this kind, I mean those which are cordials. For it is consonant to reason, that those things which being taken in cures do defend and fortify the heart, or, more truly, the spirits, against poisons and diseases being transferred with judgment and choice into diet, should have a good effect, in some sort, towards the prolonging of life. This we will do, not heaping them promiscuously together, (as the manner is,) but selecting the best.

1. Gold is given in three forms, either in that which they call aurum potabile, or in wine wherein gold hath been quenched, or in gold in the substance, such as are leaf-gold, and the filings of gold. As for aurum potabile, it is used to be given in desperate or dangerous diseases, and that not without good success. But we suppose that the spirits of the salt, by which the gold is dissolved, do rather minister that virtue which is found in it, than the gold itself, though this secret be wholly suppressed. Now, if the body of gold could be opened with these corrosive waters, or by these corrosive waters (so the venemous quality were wanting) well washed, we conceive it would be no unprofitable medicine.

2. Pearls are taken either in a fine powder, or in a certain mass or dissolution, by the juice of four and new lemons, and they are given sometimes in aromatical confections, sometimes in liquor. The pearl, no doubt, hath some affinity with the shell in which it groweth, and may be of the same quality with the shells of crawfishes.

3. Amongst the transparent precious stones, two only are accounted cordial, the emerald and the jacinth, which are given under the same forms that the pearls are; save only, that the dissolutions of them, as far as we know, are not in use. But we suspect these glassy jewels, lest they should be cutting.

Of these which we have mentioned, how far and in what manner they are helpful, shall be spoken hereafter.

4. Bezoar stone is of approved virtue for refreshing the spirits and procuring a gentle sweat. As for the unicorn's horn, it hath lost the credit with us; yet so as it may keep rank with hartshorn, and the bone in the heart of a hart, and ivory, and such like.

Ambergris is one of the best to appease and comfort the spirits.

5. Hereafter, follow the names only of the simple cordials, seeing their virtues are sufficiently known.

Hot.—Saffron, folium indum, lignum aloes, citron pill or rind, balm, basil, clove-gillyflowers, orange flowers, rosemary, mint, betony, carduus benedictus.

Cold.—Nitre, roses, violets, strawberry leaves, strawberries, juice of sweet lemons, juice of sweet oranges, juice of pearmains, borage, bugloss, burnet, sanders, camphire.

Seeing our speech now is of those things which may be transferred into diet, all hot waters and chymical oils, (which, as a certain trifler saith, are under the planet Mars, and have a furious and destructive force,) as, also, all hot and biting spices are to be rejected, and a consideration to be had how waters and liquors may be made of the former simples; not those phlegmatic distilled waters, nor again those burning waters or spirits of wine, but such as may be more temperate, and yet lively, and sending forth a benign vapour.

6. I make some question touching the frequent letting of blood, whether it conduceth to long life or not; and I am rather in the opinion that it doth, if it be turned into a habit, and other things be well disposed, for it letteth out the old juice of the body and bringeth in new.

I suppose also, that some emaciating diseases, well cured, do profit to long life, for they yield

new juice, the old being consumed, and as (he saith) to recover a sickness, is to renew youth. Therefore it were good to make some artificial diseases, which is done by strict and emaciating diets, of which I shall speak hereafter.

The Intentions.

To the twelfth, thirteenth, and fourteenth articles.

Having finished the inquisition according to the subjects, as, namely, of inanimate bodies, vegetables, living creatures, man, I will come now nearer to the matter, and order mine inquisitions by certain intentions, such as are true and proper (as I am wholly persuaded,) and which are the very paths to mortal life. For in this part, nothing that is of worth hath hitherto been inquired, but the contemplations of men have been but simple and non-proficients. For when I hear men on the one side speak of comforting natural heat, and the radical moisture, and of meats which breed good blood, such as may neither be burnt nor phlegmatic, and of the cheering and recreating the spirits, I suppose them to be no bad men which speak these things; but none of these worketh effectually towards the end. But when, on the other side, I hear several discourses touching medicines made of gold, because gold is not subject to corruption; and touching precious stones, to refresh the spirits by their hidden properties and lustre, and that if they could be taken and retained in vessels, the balsams and quintessences of living creatures would make men conceive a proud hope of immortality. And that the flesh of serpents and harts, by a certain consent, are powerful to the renovation of life, because the one casteth his skin, the other his horns; (they should also have added the flesh of eagles, because the eagle changes his bill.) And that a certain man, when he had found an ointment hidden under the ground, and had anointed himself therewith from head to foot, (excepting only the soles of his feet) did, by his anointing, live three hundred years without any disease, save only some tumours in the soles of his feet. And of Artesius, who, when he found his spirit ready to depart, drew into his body the spirit of a certain young man, and thereby made him breathless, but himself lived many years by another man's spirit. And of fortunate hours, according to the figures of heaven, in which medicines are to be gathered and compounded for the prolongation of life; and of the seals of planets, by which virtues may be drawn and fetched down from heaven to prolong life; and such like fabulous and superstitious vanities. I wonder exceedingly that men should so much dote as to suffer themselves to be deluded with these things. And, again, I do pity mankind that they should have the hard fortune to be besieged with such frivolous and senseless apprehensions. But mine intentions do both come home to the matter, and are far from vain and credulous imaginations; being also such, as I conceive, posterity may add much to the matters which satisfy these intentions; but to the intentions themselves, but a little. Notwithstanding there are a few things, and those of very great moment, of which I would have men to be forewarned.

First, We are of that opinion, that we esteem the offices of life to be more worthy than life itself. Therefore, if there be any thing of that kind that may indeed exactly answer our intentions, yet so that the offices and duties of life be thereby hindered, whatsoever it be of this kind, we reject it. Perhaps we may make some light mention of some things, but we insist not upon them. For we make no serious nor diligent discourse, either of leading the life in caves, where the sunbeams and several changes of the air pierce not, like Epimenides his cave; or of perpetual baths, made of liquors prepared; or of shirts and searcloths, so applied, that the body should be always, as it were, in a box; or of thick paintings of the body, after the manner of some barbarous nations; or of an exact ordering of our life and diet, which aimeth only at this, and mindeth nothing else but that a man live, (as was that of Herodicus amongst the ancients, and of Cornarus the Venetian in our days, but with greater moderation,) or of any such prodigy, tediousness, or inconvenience; but we propound such remedies and precepts, by which the offices of life may neither be deserted, nor receive any great interruptions or molestations.

Secondly, On the other side, we denounce unto men that they will give over trifling, and not imagine that so great a work as the stopping and turning back the powerful course of nature can be brought to pass by some morning draught, or the taking of some precious drug, but that they would be assured that it must needs be, that this is a work of labour, and consisteth of many remedies, and a fit connexion of them amongst themselves; for no man can be so stupid as to imagine that what was never yet done can be done, but by such ways as were never yet attempted.

Thirdly, We ingeniously profess that some of those things which we shall propound, have not been tried by us by way of experiment, (for our course of life doth not permit that,) but are derived (as we suppose) upon good reasons, out of our principles and grounds, (of which some we set down, others we reserve in our mind,) and are, as it were, cut and digged out of the rock and mine of nature herself. Nevertheless, we have been careful, and that with all providence and circumspection, (seeing the Scripture saith of the body of man, that it is more worth than raiment,) to propound such remedies as may at least be safe, if peradventure they be not fruitful.

Fourthly, We would have men rightly to observe and distinguish that those things which are good for a healthful life, are not always good for a long life; for there are some things which do further the alacrity of the spirits, and the strength and vigour of the functions, which, notwithstanding, do cut off from the sum of life: and there are other things which are profitable to prolongation of life, which, are not without some peril of health, unless this matter be salved by fit remedies; of which, notwithstanding, as occasion shall be offered, we will not omit to give some cautions and monitions.

Lastly, We have thought good to propound sundry remedies according to the several intentions, but the choice of those remedies, and the order of them, to leave to discretion; for to set down exactly which of them agreeth best, with which constitution of body, which with the several courses of life, which with each man's particular age, and how they are to be taken one after another, and how the whole practique of these things is to be administered and governed, would be too long, neither is it fit to be published.

In the topics we propounded three intentions; the prohibiting of consumption, the perfecting of reparation, and the renewing of oldness. But seeing those things which shall be said are nothing less than words, we will deduce these three intentions to ten operations.

1. The first is the operation upon the spirits, that they may renew their vigour.

2. The second operation is upon the exclusion of the air.

3. The third operation is upon the blood, and the sanguifying heat.

4. The fourth operation is upon the juices of the body.

5. The fifth operation is upon the bowels, for their extrusion of aliment.

6. The sixth operation is upon the outer parts, for their attraction of aliment.

7. The seventh operation is upon the aliment itself, for the insinuation thereof.

8. The eighth operation is upon the last act of assimilation.

9. The ninth operation is upon the inteneration of the parts, after they begin to be dried.

10. The tenth operation is upon the purging away of old juice, and supplying of new juice.

Of these operations, the four first belong to the first intention, the four next to the second intention, and the two last to the third intention.

But because this part touching the intentions doth tend to practice, under the name of history, we will not only comprise experiments and observations, but also counsels, remedies, explications of causes, assumptions, and whatsoever hath reference hereunto.

I. *The Operation upon the Spirits, that they may remain youthful, and renew their Vigour.*

The history.

1. The spirits are the master workmen of all effects in the body. This is manifest by consent, and by infinite instances.

2. If any man could procure that a young man's spirit could be conveyed into an old man's body, it is not unlikely but this great wheel of the spirits might turn about the lesser wheels of the parts, and so the course of nature become retrograde.

3. In every consumption, whether it be by fire or by age, the more the spirit of the body, or the heat, preyeth upon the moisture, the lesser is the duration of that thing. This occurs everywhere, and is manifest.

4. The spirits are to be put into such a temperament and degree of activity, that they should not (as he saith) drink and guzzle the juices of the body, but sip them only.

5. There are two kinds of flames, the one eager and weak, which consumes slight substances, but hath little power over the harder, as the flame of straw or small sticks: the other strong and constant, which converts hard and obstinate substances; as the flame of hard wood, and such like.

6. The eager flames, and yet less robust, do dry bodies, and render them exhaust and sapless; but the stronger flames do intenerate and melt them.

7. Also in dissipating medicines, some vapour forth the thin part of the tumours or swellings, and these harden the tumour; others potently discuss, and these soften it.

8. Also in purging and absterging medicines, some carry away the fluid humours violently, others draw the more obstinate and viscous.

9. The spirits ought to be invested and armed with such a heat, that they may choose rather to stir and undermine hard and obstinate matters, than to discharge and carry away the thin and prepared: for by that means the body becomes green and solid.

10. The spirits are so to be wrought and tempered, that they may be in substance dense, not rare; in heat strong, not eager; in quantity sufficient for the offices of life, not redundant or turgid; in motion appeased, not dancing or unequal.

11. That vapours work powerfully upon the spirits it is manifest by sleep, by drunkenness, by melancholic passions, by letificant medicines, by odours, calling the spirits back again in swoonings and faintings.

12. The spirits are condensed four ways; either by putting them to flight, or by refrigerating and cooling them, or by stroking them, or by quieting them. And first of their condensation, by putting them to flight.

13. Whatsoever putteth to flight on all parts driveth the body into his centre, and so condenseth.

14. To the condensation of the spirits by flight, the most powerful and effectual is opium, and next opiates, and generally all soporiferous things.

15. The force of opium to the condensation of the spirits is exceeding strong, when as perhaps three grains thereof will in a short time so coagulate the spirits, that they return no more, but are extinguished, and become immovable.

16. Opium, and the like, put not the spirits to flight by their coldness, for they have parts manifestly hot, but on the contrary cool by their putting the spirits to flight.

17. The flight of the spirits by opium and opiate medicines is best seen by applying the same outwardly, for the spirits straight withdraw themselves, and will return no more, but the part is mortified, and turns to a gangrene.

18. Opiates in grievous pains, as in the stone, or the cutting off of a limb, mitigate pains most of all, by putting the spirits to flight.

19. Opiates obtain a good effect from a bad cause; for the flight of the spirits is evil, but the condensation of them through their flight is good.

20. The Grecians attributed much both for health and for prolongation of life, as opiates, but the Arabians much more, insomuch that their grand medicines (which they called the god's hands) had opium for their basis and principal ingredient, other things being mixed to abate and correct the noxious qualities thereof: such were treacle, mithridate, and the rest.

21. Whatsoever is given with good success in the curing of pestilential and malignant diseases, to stop and bridle the spirits, lest they grow turbulent and tumultuous, may very happily be transferred to the prolongation of life; for one thing is effectual unto both, namely, the condensation of the spirits: now, there is nothing better for that than opiates.

22. The Turks find opium, even in a reasonable good quantity, harmless and comfortable, insomuch that they take it before their battle to excite courage; but to us, unless it be in a very small quantity, and with good correctives, it is mortal.

23. Opium and opiates are manifestly found to excite Venus; which shows them to have force to corroborate the spirits.

24. Distilled water out of wild poppy is given with good success in surfeits, agues, and divers diseases; which, no doubt, is a temperate kind of opiate. Neither let any man wonder at the various use of it, for that is familiar to opiates, in regard that the spirits, corroborated and condensed, will rise up against any disease.

25. The Turks use a kind of herb which they call caphe, which they dry and powder, and then drink in warm water, which they say doth not a little sharpen them both in their courage and in their wits; notwithstanding, if it be taken in a large quantity, it affects and disturbs the mind; whereby it is manifest, that it is of the same nature with opiates.

26. There is a root much renowned in all the eastern parts which they call betel, which the Indians and others use to carry in their mouths, and to champ it, and by that champing they are wonderfully enabled both to endure labours, and to overcome sicknesses, and to the act of carnal copulation: it seems to be a kind of stupefactive, because it exceedingly blacks the teeth.

27. Tobacco in our age is immoderately grown into use, and it affects men with a secret kind of delight, insomuch that they who have once inured themselves unto it, can hardly afterwards leave it; and no doubt it hath power to lighten the body, and to shake off weariness. Now, the virtue of it is commonly thought to be, because it opens the passages, and voids humours; but it may more rightly be referred to the condensation of the spirits, for it is a kind of henbane, and manifestly troubles the head as opiates do.

28. There are sometimes humours engendered in the body, which are as it were opiate themselves; as it is in some kind of melancholies, with which if a man be affected it is a sign of very long life.

29. The simple opiates (which are also called stupefactives) are these; opium itself, which is the juice of poppy, both the poppies as well in the herb as in the seed, henbane, mandrake, hemlock, tobacco, nightshade.

30. The compound opiates are, treacle, mithridate, trifera, laudanum, paracelsi, diaconium, diascordium, philonium, pills of houndstongue.

31. From this which hath been said, certain designations or counsels may be deduced for the prolongation of life, according to the present intention, namely, of condensing the spirits by opiates.

32. Let there be, therefore, every year, from adult years of youth, an opiate diet; let it be taken about the end of May, because the spirits in the summer are more loose and attenuated, and there are less dangers from cold humours; let it be some magistral opiate, weaker than those that are commonly in use, both in respect of a smaller quantity of opium, and of a more sparing mixture of extreme hot things; let it be taken in the morning betwixt sleeps. The fare for that time would be more simple and sparing than ordinary, without wine, or spices, or vaporous things. This medicine to be taken only each other day, and to be continued for a fortnight. This designation in our judgment comes home to the intention.

33. Opiates also may be taken not only by the mouth, but also by fumes; but the fumes must be such as may not move the expulsive faculty too strongly, nor force down humours, but only taken

in a weft, may work upon the spirits within the brain. And, therefore, a suffumigation of tobacco, lignum aloes, rosemary leaves dried, and a little myrrh snuffed up in the morning at the mouth and nostrils, would be very good.

34. In grand opiates, such as are treacle, mithridate, and the rest, it would not be amiss (especially in youth) to take rather the distilled waters of them, than themselves in their bodies; for the vapour in distilling doth rise, but the heat of the medicine commonly settleth. Now, distilled waters are good in those virtues which are conveyed by vapours, in other things but weak.

35. There are medicines which have a certain weak and hidden degree, and therefore safe to an opiate virtue; these send forth a slow and copious vapour, but not malignant as opiates do; therefore they put not the spirits to flight, notwithstanding they congregate them, and somewhat thicken them.

36. Medicines, in order to opiates, are principally saffron, next folium indum, ambergris, coriander seed prepared, amomum, pseuda momum, lignum rhodium, orange-flower water, and much more the infusion of the same flowers new gathered in the oil of almonds, nutmegs pricked full of holes and macerated in rosewater.

37. As opiates are to be taken very sparingly, and at certain times, as was said, so these secondaries may be taken familiarly, and in our daily diet, and they will be very effectual to prolongation of life. Certainly an apothecary of Calecute, by the use of amber, is said to have lived a hundred and sixty years, and the noblemen of Barbary through the use thereof are certified to be very long-lived, whereas the mean people are but of short life. And our ancestors, who were longer lived than we, did use saffron much in their cakes, broths, and the like. And touching the first way of condensing the spirits of opiates, and the subordinates thereto, thus much.

38. Now we will inquire of the second way of condensing the spirits by cold, for the proper work of cold is condensation, and it is done without any malignity, or adverse quality; and therefore it is a safer operation than by opiates, though somewhat less powerful, if it be done by turns only as opiates are. But then again, because it may be used familiarly, and in our daily diet with moderation, it is much more powerful for the prolongation of life than by opiates.

39. The refrigeration of the spirits is effected three ways, either by respiration, or by vapours, or by aliment. The first is the best, but, in a sort, out of our power; the second is potent, but yet ready and at hand; the third is weak and somewhat about.

40. Air clear and pure, and which hath no fogginess in it before it be received into the lungs, and which is least exposed to the sunbeams, condenseth the spirits best. Such is found either on the tops of dry mountains, or in champaigns open to the wind, and yet not without some shade.

41. As for the refrigeration and condensation of the spirits by vapours, the root of this operation we place in nitre, as a creature purposely made and chosen for this end, being thereunto led and persuaded by these arguments.

42. Nitre is a kind of cool spice; this is apparent to the sense itself, for it bites the tongue and palate with cold, as spices do with heat, and it is the only thing, as far as we know, that hath this property.

43. Almost all cold things (which are cold properly and not by accident, as opium is) are poor and jejune of spirit; contrarily, things full of spirit are almost all hot, only nitre is found amongst vegetables, which aboundeth with spirit and yet is cold. As for camphire, which is full of spirit, and yet performeth the actions of cold, it cooleth by accident only, as namely, for that by the thinness thereof, without acrimony, it helpeth perspiration and inflammations.

44. In congealing and freezing of liquors (which is lately grown into use) by laying snow and ice on the outside of the vessel, nitre is also added, and no doubt it exciteth and fortifieth the congelation. It is true, that they use also for this work ordinary bay-salt, which doth rather give activity to the coldness of the snow, than cool by itself; but, as I have heard, in the hotter regions, where snow falls not, the congealing is wrought by nitre alone; but this I cannot certainly affirm.

45. It is affirmed that gunpowder, which consisteth principally of nitre, being taken in drink doth conduce to valour, and that it is used oftentimes by mariners and soldiers before they begin their battles, as the Turks do opium.

46. Nitre is given with good success in burning agues, and pestilential fevers, to mitigate and bridle their pernicious heats.

47. It is manifest, that nitre in gunpowder doth mightily abhor the flame, from whence is caused that horrible crack and puffing.

48. Nitre is found to be, as it were, the spirit of the earth; for this is most certain, that any earth, though pure and unmixed with nitrous matter, if it be so laid up and covered, that it be free from the sunbeams, and putteth forth no vegetable, will gather nitre, even in good abundance. By which it is clear, that the spirit of nitre is not only inferior to the spirit of living creatures, but also to the spirit of vegetables.

49. Cattle, which drink of nitrous water, do manifestly grow fat, which is a sign of the cold in nitre.

50. The manuring of the soil is chiefly by nitrous substances; for all dung is nitrous, and this is a sign of the spirit in nitre.

51. From hence it appears, that the spirits of man may be cooled and condensed by the spirit of nitre, and be made more crude and less eager.

And, therefore, as strong wines, and spices, and the like, do burn the spirits and shorten life; so, on the contrary side, nitre doth compose and repress them, and furthereth to life.

52. Nitre may be used with meat, mixed with our salt, to the tenth part of the salt; in broths taken in the morning, for three grains to ten, also in beer; but howsoever it be used, with moderation, it is of prime force to long life.

53. As opium holds the pre-eminence in condensing the spirits, by putting them to flight, and hath withal his subordinates less potent, but more safe, which may be taken both in greater quantity and in more frequent use, of which we have formerly spoken; so also nitre, which condenseth the spirits by cold, and by a kind of frescour, (as we now-a-days speak,) hath also his subordinates.

54. Subordinates to nitre are, all those things which yield an odour somewhat earthy, like the smell of earth, pure and good, newly digged or turned up; of this sort the chief are, borage, buloss, langue de bœuf, burnet, strawberry leaves, and strawberries, frambois, or raspis, raw cucumbers, raw pearmains, vine leaves, and buds, also violets.

55. The next in order, are those which have a certain freshness of smell, but somewhat more inclined to heat, yet not altogether void of that virtue of refreshing by coolness; such as are balm, green citrons, green oranges, rosewater distilled, roasted wardens; also the damask, red, and musk roses.

56. This is to be noted, that subordinates to nitre do commonly confer more to this intension raw, than having passed the fire, because that the spirit of cooling is dissipated by the fire, therefore they are best taken either infused in some liquor, or raw.

57. As the condensation of the spirits by subordinates to opium is, in some sort, performed by odours, so also that which is by subordinates to nitre; therefore the smell of new and pure earth, taken either by following the plough, or by digging, or by weeding, excellently refresheth the spirits. Also the leaves of trees in woods, or hedges, falling towards the middle of autumn, yield a good refreshing to the spirits, but none so good as strawberry leaves dying. Likewise the smell of violets, or wallflowers, or beanflowers, or sweetbrier, or honeysuckles, taken as they grow, in passing by them only, is of the same nature.

58. Nay, and we know a certain great lord who lived long, that had every morning, immediately after sleep, a clod of fresh earth laid in a fair napkin under his nose, that he might take the smell thereof.

59. There is no doubt but the cooling and tempering of the blood by cool things, such as are endive, succory, leverwort, purslain, and the like, do also by consequent cool the spirits. But this is about, whereas vapours cool immediately.

60. And as touching the condensing of the spirits by cold, thus much. The third way of condensing the spirits we said to be by that which we call stroking the spirits. The fourth, by quieting the alacrity and unruliness of them.

61. Such things stroke the spirits as are pleasing and friendly to them, yet they allure them not to go abroad; but rather prevail, that the spirits, contented as it were in their own society, do enjoy themselves, and betake themselves into their proper centre.

61. For these, if you recollect those things which were formerly set down, as subordinates to opium and nitre, there will need no other inquisition.

62. As for the quieting of the unruliness of the spirits, we shall presently speak of that, when we inquire touching their motion. Now then, seeing we have spoken of that condensation of the spirits which pertaineth to their substance, we will come to the temper of heat in them.

63. The heat of the spirits, as we said, ought to be of that kind, that it may be robust, not eager, and may delight rather to master the tough and obstinate, than to carry away the thin and light humours.

64. We must beware of spices, wine, and strong drinks, that our use of them be very temperate, and sometimes discontinued. Also of savory, wild marjorum, pennyroyal, and all such as bite and heat the tongue; for they yield unto the spirits a heat not operative, but predatory.

65. These yield a robust heat, especially elecampane, garlick, carduus benedictus, watercresses, while they are young, germander, angelica, zedoary, vervin, valerian, myrrh, pepperwort, elder flowers, garden chervile. The use of these things, with choice and judgment, sometimes in salads, sometimes in medicines, will satisfy this operation.

66. It falls out well, that the grand opiates will also serve excellently for this operation, in respect that they yield such a heat by composition, which is wished, but not to be found in simples. For the mixing of those excessive hot things, (such as are euphorbium, pellitory of Spain, stavisacre, dragonwort, anacordi, castoreum, aristolochium, opponax, ammoniachum, galbanum, and the like, which of themselves cannot be taken inwardly,) to qualify and abate the stupefactive virtue of the opium, they do make such a constitution of a medicament as we now require; which is excellently seen in this, that treacle and mithridate, and the rest, are not sharp, nor bite the tongue, but are only somewhat bitter, and of strong scent, and at last manifest their heat when they come into the stomach, and in their subsequent operations.

67. There conduces also to the robust heat of the spirits, Venus often excited, rarely performed; and no less some of the affections, of which shall

be spoken hereafter. So touching the heat of the spirits, analogical to the prolongation of life, thus much.

68. Touching the quantity of the spirits, that they be not exuberant and boiling, but rather sparing, and within a mean, (seeing a small flame doth not devour so much as a great flame,) the inquisition will be short.

69. It seems to be approved by experience, that a spare diet, and almost a pythagorical, such as is either prescribed by the strict rules of a monastical life, or practised by hermits, which have necessity and poverty for their rule, rendereth a man long-lived.

70. Hitherto appertain drinking of water, a hard bed, abstinence from fire, a slender diet, (as, namely, of herbs, fruits, flesh, and fish, rather powdered and salted, than fresh and hot, a hair shirt, frequent fastings, frequent watchings, few sensual pleasures, and such like; for all these diminish the spirits, and reduce them to such a quantity as may be sufficient only for the functions of life, whereby the depredation is the less.

71. But if the diet shall not be altogether so rigorous and mortifying, yet, notwithstanding, shall be always equal and constant to itself, it worketh the same effect. We see it in flames, that a flame somewhat bigger (so it be always alike and quiet) consumeth less of the fuel, than a lesser flame blown with bellows, and by gusts stronger or weaker. That which the regiment and diet of Cornarus, the Venetian, showed plainly, who did eat and drink so many years together by a just weight, whereby he exceeded a hundred years of age, strong in limbs, and entire in his senses.

72. Care also must be taken, that a body, plentifully nourished, and not emaciated by any of these aforesaid diets, omitteth not a seasonable use of Venus, lest the spirits increase too fast, and soften and destroy the body. So then, touching a moderate quantity of spirits, and (as we may say) frugal, thus much.

73. The inquisition, touching bridling the motions of the spirits, followeth next. Motion doth manifestly attenuate and inflame them. This bridling is done by three means; by sleep, by avoiding of vehement labours, immoderate exercise, and, in a word, all lassitude; and by refraining irksome affections. And, first, touching sleep.

74. The fable tells us, that Epimenides slept many years together in a cave, and all that time needed no meat, because the spirits waste not much in sleep.

75. Experience teacheth us that certain creatures, as dormice and bats, sleep in some close places a whole winter together; such is the force of sleep to restrain all vital consumption. That which bees or drones are also thought to do, though sometimes destitute of honey, and likewise butterflies and other flies.

76. Sleep after dinner (the stomach sending up no unpleasing vapours to the head, as being the first dews of our meat) is good for the spirits, but derogatory and hurtful to all other points of health. Notwithstanding in extreme old age there is the same reason of meat and sleep, for both our meals and our sleeps should be then frequent, but short and little; nay, and towards the last period of old age, a mere rest, and, as it were, a perpetual reposing doth best, especially in winter-time.

77. But as moderate sleep conferreth to long life, so much more if it be quiet and not disturbed.

78. These procure quiet sleep, violets, lettuce, especially boiled, syrup of dried roses, saffron, balm, apples, at our going to bed; a sop of bread in malmsey, especially where musk-roses have been first infused; therefore it would not be amiss to make some pill or a small draught of these things, and to use it familiarly. Also those things which shut the mouth of the stomach close, as coriander seed prepared, quinces and wardens roasted, do induce sound sleep; but above all things in youth, and for those that have sufficient strong stomachs, it will be best to take a good draught of clear cold water when they go to bed.

Touching voluntary and procured trances, as also fixed and profound thoughts, so as they be without irksomeness, I have nothing certain; no doubt they make to this intention, and condense the spirits, and that more potently than sleep, seeing they lay asleep, and suspend the senses as much or more. Touching them, let further inquiry be made. So far touching sleep.

79. As for motion and exercise, lassitude hurteth, and so doth all motion and exercise which is too nimble and swift, as running, tennis, fencing, and the like; and, again, when our strength is extended and strained to the uttermost, as dancing, wrestling, and such like; for it is certain, that the spirits being driven into straits, either by the swiftness of the motion, or by the straining of the forces, do afterward become more eager and predatory. On the other side, exercises which stir up a good strong motion, but not over swift, or to our utmost strength, (such as are leaping, shooting, riding, bowling, and the like,) do not hurt, but rather benefit.

We must come now to the affections and passions of the mind, and see which of them are hurtful to long life, which profitable.

80. Great joys attenuate and diffuse the spirits, and shorten life; familiar cheerfulness strengthens the spirits, by calling them forth, and yet not resolving them.

81. Impressions of joy in the sense are naught; ruminations of joy in the memory, or apprehensions of them in hope or fancy, are good.

82. Joy suppressed, or communicated sparingly,

doth more comfort the spirits, than joy poured forth and published.

83. Grief and sadness, if it be void of fear, and afflict not too much, doth rather prolong life; for it contracteth the spirits, and is a kind of condensation.

84. Great fears shorten the life; for though grief and fear do both strengthen the spirit, yet in grief there is a simple contraction; but in fear, by reason of the cares taken for the remedy, and hopes intermixed, there is a turmoil and vexing of the spirits.

85. Anger suppressed is also a kind of vexation, and causeth the spirit to feed upon the juices of the body; but let loose and breaking forth, it helpeth; as those medicines do, which induce a robust heat.

86. Envy is the worst of all passions, and feedeth upon the spirits, and they again upon the body, and so much the more, because it is perpetual, and, as it is said, keepeth no holidays.

87. Pity of another man's misfortune, which is not likely to befall ourselves, is good; but pity, which may reflect with some similitude upon the party pitying, is naught, because it exciteth fear.

88. Light shame hurteth not, seeing it contracteth the spirits a little, and then straight diffuseth them, insomuch that shamefaced persons commonly live long; but shame for some great ignominy, and which afflicteth the mind long, contracteth the spirits even to suffocation, and is pernicious.

89. Love, if it be not unfortunate, and too deeply wounding, is a kind of joy, and is subject to the same laws which we have set down touching joy.

90. Hope is the most beneficial of all the affections, and doth much to the prolongation of life, if it be not too often frustrated, but entertaineth the fancy with an expectation of good; therefore they which fix and propound to themselves some end, as the mark and scope of their life, and continually and by degrees go forward in the same, are, for the most part, long-lived; insomuch that when they are come to the top of their hope, and can go no higher therein, they commonly droop, and live not long after. So that hope is a leaf-joy, which may be beaten out to a great extension, like gold.

91. Admiration and light contemplation are very powerful to the prolonging of life; for they hold the spirits in such things as delight them, and suffer them not to tumultuate, or to carry themselves unquietly and waywardly. And, therefore, all the contemplators of natural things, which had so many and eminent objects to admire, (as Democritus, Plato, Parmenides, Apollonius,) were long-lived; also rhetoricians, which tasted but lightly of things, and studied rather exornation of speech than profundity of matters, were also long-lived; as Gorgias, Protagoras, Isocrates, Seneca. And, certainly, as old men are for the most part talkative, so talkative men do often grow very old: for it shows a light contemplation, and such as do not much strain the spirits, or vex them; but subtle, and acute, and eager inquisition shortens life, for it tireth the spirit, and wasteth it.

And as touching the motion of the spirits, by the affections of the mind, thus much. Now, we will add certain other general observations touching the spirits, besides the former, which fall not into the precedent distribution.

92. Especial care must be taken that the spirits be not too often resolved; for attenuation goeth before resolution, and the spirit once attenuated doth not very easily retire, or is condensed. Now, resolution is caused by over-great labours, over-vehement affections of the mind, over-great sweats, over-great evacuation, hot baths, and an untemperate and unseasonable use of Venus; also by over-great cares and carpings, and anxious expectations; lastly, by malignant diseases, and intolerable pains and torments of the body; all which, as much as may be, (which our vulgar physicians also advise,) must be avoided.

93. The spirits are delighted both with wonted things and with new. Now, it maketh wonderfully to the conservation of the spirits in vigour, that we neither use wonted things to a satiety and glutting; nor new things, before a quick and strong appetite. And, therefore, both customs are to be broken off with judgment and care, before they breed a fulness; and the appetite after new things to be restrained for a time until it grow more sharp and jocund; and, moreover, the life, as much as may be, so to be ordered, that it may have many renovations, and the spirits, by perpetual conversing in the same actions, may not wax dull. For though it were no ill saying of Seneca's, The fool doth ever begin to live; yet this folly, and many more such, are good for long life.

94. It is to be observed touching the spirits, (though the contrary used to be done,) that when men perceive their spirits to be in good, placid, and healthful state, (that which will be seen by the tranquillity of their mind, and cheerful disposition,) that they cherish them, and not change them; but when in a turbulent and untoward state, (which will also appear by their sadness, lumpishness, and other indisposition of their mind,) that then they straight overwhelm them, and alter them. Now, the spirits are contained in the same state, by a restraining of the affections, temperateness of diet, abstinence from Venus, moderation in labour, indifferent rest and repose: and the contrary to these do alter and overwhelm the spirits; as, namely, vehement affections, profuse feastings, immoderate Venus, difficult labours, earnest studies, and prosecution of business. Yet men are wont, when they are merriest and best

disposed, then to apply themselves to feastings, Venus, labours, endeavours, business, whereas, if they have a regard to long life, (which may seem strange,) they should rather practise the contrary. For we ought to cherish and preserve good spirits; and for the evil disposed spirits to discharge and alter them.

95. Ficinus saith not unwisely. that old men, for the comforting of their spirits, ought often to remember and ruminate upon the acts of their childhood and youth; certainly such a remembrance is a kind of peculiar recreation to every old man: and, therefore, it is a delight to men to enjoy the society of them which have been brought up together with them, and to visit the places of their education. Vespasian did attribute so much to this matter, that when he was emperor, he would by no means be persuaded to leave his father's house, though but mean, lest he should lose the wonted object of his eyes, and the memory of his childhood. And besides, he would drink in a wooden cup tipped with silver, which was his grandmother's, upon festival days.

96. One thing above all is grateful to the spirits, that there be a continual progress to the more benign; therefore we should lead such a youth and manhood, that our old age should find new solaces, whereof the chief is moderate ease: and, therefore, old men in honourable places lay violent hands upon themselves, who retire not to their ease; whereof may be found an eminent example in Cassiodorus, who was of that reputation amongst the gothish Kings of Italy, that he was as the soul of their affairs; afterwards, being near eighty years of age, he betook himself to a monastery, where he ended not his days before he was a hundred years old. But this thing doth require two cautions: one, that they drive not off till their bodies be utterly worn out and diseased; for in such bodies all mutation, though to the more benign, hasteneth death; the other, that they surrender not themselves to a sluggish ease, but that they embrace something which may entertain their thoughts and mind with contentation; in which kind, the chief delights are reading and contemplation, and then the desires of building and planting.

97. Lastly: the same action, endeavour, and labour, undertaken cheerfully and with a good will, doth refresh the spirits, but with an aversation and unwillingness, doth fret and deject them; and therefore it conferreth to long life, either that a man hath the art to institute his life so as it may be free and suitable to his own humour, or else to lay such a command upon his mind, that whatsoever is imposed by fortune, it may rather lead him than drag him.

98. Neither is that to be omitted towards the government of the affections, that especial care be taken of the mouth of the stomach, especially that it be not too much relaxed; for that part hath a greater dominion over the affections, especially the daily affections, than either the heart or brain, only those things excepted which are wrought by potent vapours, as in drunkenness and melancholy.

99. Touching the operation upon the spirits, that they may remain youthful, and renew their vigour thus much, which we have done more accurately, for that there is for the most part amongst physicians, and other authors, touching these operations, a deep silence; but especially, because the operation upon the spirits, and their waxing green again, is the most ready and compendious way to long life, and that for a twofold compendiousness; one, because the spirits work compendiously upon the body; the other, because vapours and the affections work compendiously upon the spirits, so as these attain the end, as it were, in a right line, other things rather in lines circular.

II. *The Operation upon the Exclusion of the Air.*

The History.

1. The exclusion of the air ambient tendeth to length of life two ways; first, for that the external air, next unto the native spirit, howsoever the air may be said to animate the spirit of man, and conferreth not a little to health, doth most of all prey upon the juices of the body, and hasten the desiccation thereof; and therefore the exclusion of it is effectual to length of life.

2. Another effect which followeth the exclusion of air is much more subtile and profound: namely, that the body closed up, and not perspiring by the pores, detaineth the spirits within, and turneth it upon the harder parts of the body, whereby the spirit mollifies and intenerates them.

3. Of this thing, the reason is explained in the desiccation of inanimate bodies, and it is an axiom almost infallible, that the spirit discharged and issuing forth, drieth bodies; detained, melteth and intenerateth them. And it is further to be assumed, that all heat doth properly attenuate and moisten, and contracteth and drieth only by accident.

4. Leading the life in dens and caves, where the air receives not the sunbeams, may be effectual to long life. For the air of itself doth not much towards the depredation of the body, unless it be stirred up by heat. Certainly, if a man shall recall things past to his memory, it will appear that the statures of men have been anciently much greater than those that succeeded, as in Sicily, and some other places: but this kind of men led their lives, for the most part, in caves. Now, length of life, and largeness of limbs, have some affinity; the cave also of Epimenides walks among the fables. I suppose likewise, that the life of columnar anchorites was a thing resembling the life in caves, in respect the sunbeams could not much pierce thither, nor the air receive any great changes or inequalities. This is certain, both the Simeon Stelitas, as well Daniel as Saba, and

other columnar anchorites, have been exceeding long-lived; likewise the anchorites in our days, closed up and immured either within walls or pillars, are often found to be long-lived.

5. Next unto the life in caves, is the life on mountains: for as the beams of the sun do not penetrate into caves, so on the tops of mountains, being destitute of reflection, they are of small force. But this is to be understood of mountains where the air is clear and pure; namely, whether by reason of the dryness of the valleys, clouds and vapours do not ascend, as it is in the mountains which encompass Barbary, where, even at this day, they live many times to a hundred and fifty years, as hath been noted before.

6. And this kind of air of caves and mountains, of its own proper nature, is little or nothing predatory; but air, such as ours is, which is predatory through the heat of the sun, ought as much as is possible to be excluded from the body.

7. But the air is prohibited and excluded two ways: first, by closing the pores: secondly, by filling them up.

8. To the closing of the pores, help coldness of the air, going naked, whereby the skin is made hard, washing in cold water, astringents applied to the skin, such as are mastick, myrrhe, myrtle.

9. But much more may we satisfy this operation by baths, yet those rarely used, (especially in summer,) which are made of astringent mineral waters, such as may safely be used, as waters participating of steel and copperas, for these do potently contract the skin.

10. As for filling up the pores, paintings, and such like unctuous daubings, and (which may most commodiously be used) oil and fat things, do no less conserve the substance of the body, than oil colours and varnish do preserve wood.

11. The ancient Britons painted their bodies with woad, and were exceeding long-lived; the Picts also used paintings, and are thought by some to have derived their name from thence.

12. The Brazilians and Virginians paint themselves at this day, who are (especially the former) very long-lived; insomuch that five years ago, the French Jesuites had speech with some who remembered the building of Fernambuck, which was done a hundred and twenty years since, and they were then at man's estate.

13. Joannes de Temporibus, who is reported to have extended his life to three hundred years, being asked how he preserved himself so long, is said to have answered, By oil without, and by honey within.

14. The Irish, especially the wild Irish, even at this day live very long; certainly they report, that within these few years, the Countess of Desmond lived to a hundred and forty years of age, and bred teeth three times. Now the Irish have a fashion to chafe, and, as it were, to baste themselves with old salt butter against the fire.

15. The same Irish used to wear saffroned linen and shirts, which, though it were at first devised to prevent vermin, yet howsoever I take it to be very useful for lengthening of life; for saffron, of all things that I know, is the best thing for the skin, and the comforting of the flesh, seeing it is both notably astringent, and hath besides an oleosity and subtile heat without any acrimony. I remember a certain Englishman who when he went to sea carried a bag of saffron next his stomach, that he might conceal it, and so escape custom; and whereas he was wont to be always exceeding seasick, at that time he continued very well, and felt no provocation to vomit.

16. Hippocrates adviseth in winter to wear clean linen, and in summer foul linen, and besmeared with oil: the reason may seem to be, because in summer the spirits exhale most, therefore the pores of the skin would be filled up.

17. Hereupon we are of opinion that the use of oil, either of olives or sweet almonds, to anoint the skin therewith, would principally conduce to long life.* The anointing would be done every morning when we rise out of bed with oil, in which a little bay-salt and saffron is mixed. But this anointing must be lightly done with wool, or some soft sponge, not laying it on thick, but gently touching and wetting the skin.

18. It is certain that liquors, even the oily themselves, in great quantities draw somewhat from the body; but, contrarily, in small quantities are drunk in by the body; therefore the anointing would be but light as we said, or rather the shirt itself would be besmeared with oil.

19. It may happily be objected that this anointing with oil which we commend (though it were never in use with us, and amongst the Italians is cast off again) was anciently very familiar amongst the Grecians and Romans, and a part of their diet, and yet men were not longer lived in those days than now. But it may rightly be answered, oil was in use only after baths, unless it were perhaps amongst champions; now hot baths are as much contrary to our operation as anointings are congruous, seeing the one opens the passages, the other stops them up; therefore the bath without the anointing following is utterly bad, the anointing without the bath is best of all. Besides, the anointing amongst them was used only for delicacy, or (if you take it at the best) for health, but by no means in order to long life; and therefore they used them with all precious ointments, which were good for deliciousness, but hurtful to our intention, in regard of their heat; so that Virgil seemeth not to have said amiss,

—*Nec casiâ liquidi corrumpitur usus olivi.*

That odoriferous cassia hath not supplanted the use of neat oil olive.

20. Anointing with oil conduceth to health, both in winter, by the exclusion of the cold air

and in summer, by detaining the spirits within, and prohibiting the resolution of them, and keeping off the force of the air, which is then most predatory.

21. Seeing the anointing with oil is one of the most potent operations to long life, we have thought good to add some cautions, lest the health should be endangered; they are four, according to the four inconveniences which may follow thereupon.

22. The first inconvenience is, that by repressing sweats it may engender diseases from those excrementitious humours. To this a remedy must be given by purges and clysters, that evacuation may be duly performed. This is certain, that evacuation by sweats commonly advanceth health, and derogateth from long life, but gentle purges work upon the humours, not upon the spirits as sweat doth.

23. The second inconvenience is, that it may heat the body, and in time inflame it; for the spirits shut in, and not breathing forth, acquire heat. This inconvenience may be prevented, if the diet most usually incline to the colder part, and that at times some proper cooling medicines be taken, of which we shall straight speak in the operation upon the blood.

24. The third is, that it may annoy the head; for all oppletion from without strikes back the vapours, and sends them up into the head. This inconvenience is remedied by purgers, especially clysters, and by shutting the mouth of the stomach strongly with styptics, and by combing and rubbing the head, and by washing it with convenient lees, that something may exhale, and by not omitting competent and good exercises, that something also may perspire by the skin.

25. The fourth inconvenience is a more subtile evil; namely, that the spirit being detained by the closing up of the pores, is likely to multiply itself too much; for when little issueth forth, and new spirit is continually engendered, the spirit increaseth too fast, and so preyeth upon the body more plentifully. But this is not altogether so; for all spirit closed up is dull, (for it is blown and excited with motion as flame is,) and therefore it is less active, and less generative of itself; indeed it is thereby increased in heat, (as flame is,) but slow in motion. And therefore the remedy to this inconvenience must be by cold things, being sometimes mixed with oil, such as are roses and myrtles, for we must altogether disclaim hot things, as we said of cassia.

26. Neither will it be unprofitable to wear next the body garments that have in them some unctuosity, or oleosity, not aquosity, for they will exhaust the body less; such as are those of woollen, rather than those of linen. Certainly it is manifest in the spirits of odours, that if you lay sweet powders amongst linen, they will much sooner lose their smell than amongst woollen. And therefore linen is to be preferred for delicacy and neatness, but to be suspected for our operation.

27. The wild Irish, as soon as they fall sick, the first thing they do is to take the sheets off their beds, and to wrap themselves in the woollen clothes.

28. Some report that they have found great benefit in the conservation of their health, by wearing scarlet waistcoats next their skin, and under their shirts, as well down to the nether parts as on the upper.

29. It is also to be observed, that air accustomed to the body doth less prey upon it than new air and often changed; and therefore poor people, in small cottages, who live always within the smell of the same chimney, and change not their seats, are commonly longest lived; notwithstanding, to other operations (especially for them whose spirits are not altogether dull) we judge change of air to be very profitable, but a mean must be used which may satisfy on both sides. This may be done by removing our habitation four times a year, at constant and set times, unto convenient seats, that so the body may neither be in too much peregrination, nor in too much station. And touching the operation upon the exclusion of air, and avoiding the predatory force thereof, thus much.

III. *The Operation upon the Blood, and the Sanguifying Heat.*

The history.

1. The following operations answer to the two precedent, and are in the relation of passives and actives; for the two precedent intend this, that the spirits and air in their actions may be the less depredatory. But because the blood is an irrigation or watering of the juices and members, and a preparation to them, therefore we will put the operation upon the blood in the first place: concerning this operation we will propound certain counsels, few in number, but very powerful in virtue: they are three.

2. First, there is no doubt, but that if the blood be brought to a cold temper, it will be so much the less dissipable. But because the cold things which are taken by the mouth agree but ill with many other intentions, therefore it will be best to find out some such things as may be free from these inconveniences.

3. The first is this: let there be brought into use, especially in youth, clysters not purging at all, or absterging, but only cooling, and somewhat opening: those are approved which are made of the juices of lettuce, purslane, liverwort, house-leek, and the mucilage of the seed of fleawort, with some temperate opening decoction, and a little camphire; but in the declining age let the house-leek and purslane be left out, and the juices of borage and endive, and the like, be

put in their rooms. And let these clysters be retained, if it may be for an hour or more.

4. The other is this, let there be in use, especially in summer, baths of fresh water, and but lukewarm, altogether without emollients, as mallows, mercury, milk, and the like; rather take new whey in some good quantity, and roses.

5. But (that which is the principal in this intention and new) we advise that before the bathing, the body be anointed with oil, with some thickness, whereby the quality of the cooling may be received, and the water excluded: yet let not the pores of the body be shut too close; for when the outward cold closeth up the body too strongly, it is so far from furthering coolness, that it rather forbids, and stirs up heat.

6. Like unto this is the use of bladders, with some decoctions and cooling juices, applied to the inferior region of the body, namely, from the ribs to the privy parts: for this also is a kind of bathing, where the body of the liquor is for the most part excluded, and the cooling quality admitted.

7. The third counsel remaineth, which belongeth not to the quality of the blood, but to the substance thereof, that it may be made more firm and less dissipable, and such as the heat of the spirit may have the less power over it.

8. And as for the use of filings of gold, leaf-gold, powder of pearl, precious stones, coral, and the like, we have no opinion of them at this day, unless it be only as they may satisfy this present operation. Certainly, seeing the Arabians, Grecians, and modern physicians, have attributed such virtues to these things, it cannot be altogether nothing, which so great men have observed of them. And, therefore, omitting all fantastical opinions about them, we do verily believe, that if there could be some such things conveyed into the whole mass of the blood in minute and fine portions, over which the spirits and heat should have little or no power, absolutely it would not only resist putrefaction, but arefaction also, and be a most effectual means to the prolongation of life. Nevertheless, in this thing several cautions are to be given; first, that there be a most exact comminution: secondly, that such hard and solid things be void of all malignant qualities, lest while they be dispersed and lurk in the veins, they breed some illconvenience: thirdly, that they be never taken together with meats, nor in any such manner as they may stick long, lest they beget dangerous obstructions about the mesentery: lastly, that they be taken very rarely, that they may not coagulate and knot together in the veins.

9. Therefore, let the manner of taking them be fasting, in white wine, a little oil of almonds mingled therewith, exercise used immediately upon the taking of them.

10. The simples which may satisfy this operation are, instead of all, gold, pearls, and coral; for all metals, except gold, are not without some malignant quality in the dissolutions of them, neither will they be beaten to that exquisite fineness that leaf-gold hath. As for all glassy and transparent jewels, we like them not, (as we said before,) for fear of corrosion.

11. But, in our judgment, the safer and more effectual way would be by the use of woods in infusions and decoctions; for there is in them sufficient to cause firmness of blood, and not the like danger for breeding obstructions; but especially, because they may be taken in meat and drink, whereby they will find the more easy entrance into the veins, and not be avoided in excrements.

12. The woods fit for this purpose are sanders, the oak, and vine. As for all hot woods or something rosiny, we reject them; notwithstanding, you may add the woody stalks of rosemary dried, for rosemary is a shrub, and exceedeth in age many trees, also the woody stalks of ivy, but in such quantity as they may not yield an unpleasing taste.

13. Let the woods be taken either boiled in broths, or infused in must or ale before they leave working; but in broths (as the custom is for guaiacum and the like) they would be infused a good while before the boiling, that the firmer part of the wood, and not that only which lieth loosely, may be drawn forth. As for ash, though it be used for cups, yet we like it not. And touching the operation upon the blood, thus much.

IV. *The Operation upon the Juices of the Body.*

The history.

1. There are two kinds of bodies (as was said before in the inquisition touching inanimates) which are hardly consumed, hard things and fat things, as is seen in metals and stones, and in oil and wax.

2. It must be ordered, therefore, that the juice of the body be somewhat hard, and that it be fat or subroscid.

3. As for hardness, it is caused three ways: by aliment of a firm nature, by cold condensing the skin and flesh, and by exercise, binding and compacting the juices of the body, that they be not soft and frothy.

4. As for the nature of the aliment, it ought to be such as is not easily dissipable, such as are beef, swine's flesh, deer, goat, kid, swan, goose, ringdove, especially if they be a little powdered; fish is likewise salted and dried, old cheese, and the like.

5. As for the bread, oaten bread or bread with some mixture of pease in it, or rye bread, or barley bread, are more solid than wheat bread, and in wheat bread, the coarse wheat bread is more solid than the pure manchet.

6. The inhabitants of the Orcades, which live upon salted fish, and generally all fish eaters, are long-lived.

7. The monks and hermits which fed sparingly,

and upon dry aliment, attained commonly to a great age.

8. Also, pure water usually drunk, makes the juices of the body less frothy; unto which if, for the dulness of the spirits, (which no doubt in water are but a little penetrative,) you shall add a little nitre, we conceive it would be very good. And touching the firmness of the aliment, thus much.

9. As for the condensation of the skin and flesh by cold: they are longer lived for the most part that live abroad in the open air, than they that live in houses; and the inhabitants of the cold countries, than the inhabitants of the hot.

10. Great store of clothes, either upon the bed or back, do resolve the body.

11. Washing the body in cold water is good for length of life; use of hot baths is naught: touching baths of astringent mineral waters, we have spoken before.

12. As for exercise, an idle life doth manifestly make the flesh soft and dissipable: robust exercise (so it be without overmuch sweating or weariness) maketh it hard and compact. Also exercise within cold water, as swimming, is very good; and generally exercise abroad is better than that within houses.

13. Touching frications, (which are a kind of exercise,) because they do rather call forth the aliment that hardens the flesh, we will inquire hereafter in the due place.

14. Having now spoken of hardening the juices of the body, we are to come next to the oleosity and fatness of them, which is a more perfect and potent intention than induration, because it hath no inconvenience or evil annexed. For all those things which pertain to the hardening of the juices are of that nature, that while they prohibit the absumption of the aliment, they also hinder the operation of the same; whereby it happens, that the same things are both propitious and adverse to length of life; but those things which pertain to making the juices oily and roscid, help on both sides, for they render the aliment both less dissipable, and more reparable.

15. But, whereas we say that the juice of the body ought to be roscid and fat, it is to be noted that we mean it not of a visible fat, but of a dewiness dispersed, or (if you will call it) radical in the very substance of the body.

16. Neither again let any man think, that oil, or the fat of meat or marrow, do engender the like, and satisfy our intention: for those things which are once perfect are not brought back again; but the aliments ought to be such, which after digestion and maturation, do then in the end engender oleosity in the juices.

17. Neither again let any man think, that oil or fat by itself and simple is hard of dissipation; but in mixture it doth not retain the same nature: for as oil by itself is much more longer in consuming than water, so in paper or linen, it sticketh longer, and is later dried, as we noted before.

18. To the irroration of the body, roasted meats or baked meats are more effectual than boiled meats, and all preparation of meat with water is inconvenient; besides oil is more plentifully extracted out of dried bodies than out of moist bodies.

19. Generally, to the irroration of the body much use of sweet things is profitable, as of sugar, honey, sweet almonds, pineapples, pistachios, dates, raisins of the sun, corans, figs, and the like. Contrarily, all sour, and very salt, and very biting things are opposite to the generation of roscid juice.

20. Neither would we be thought to favour the Manichees, or their diet, though we commend the frequent use of all kinds of seeds, kernels, and roots in meats or sauces, considering all bread (and bread is that which maketh the meat firm) is made either of seeds or roots.

21. But there is nothing makes so much to the irroration of the body as the quality of the drink, which is the convoy of the meat; therefore, let there be in use such drinks as without all acrimony or sourness are notwithstanding subtile; such are those wines which are (as the old woman said in Plautus) vetustate edentula, toothless with age, and ale of the same kind.

22. Mead (as we suppose) would not be ill if it were strong and old; but because all honey hath in it some sharp parts, (as appears by that sharp water which the chymists extract out of it, which will dissolve metals,) it were better to take the same portion of sugar, not lightly infused into it, but so incorporated as honey useth to be in mead, and to keep it to the age of a year, or at least, six months, whereby the water may lose the crudity, and the sugar acquire subtilty.

23. Now, ancientness in wine or beer hath this in it, that it engenders subtilty in the parts of the liquor, and acrimony in the spirits, whereof the first is profitable, and the second hurtful. Now, to rectify this evil commixture, let there be put into the vessel, before the wine be separated from the must, swine's flesh or deer's flesh well boiled, that the spirits of the wine may have whereupon to fuminate and feed, and so lay aside their mordacity.

24. In like manner, if ale should be made not only with the grains of wheat, barley, oats, pease, and the like, but also should admit a part (suppose a third part to these grains) of some fat roots, such as are potado roots, pith of artichokes, burre roots, or some other sweet and esculent roots; we suppose it would be a more useful drink for long life than the ale made of grains only.

Also, such things as have very thin parts, yet, notwithstanding, are without all acrimony or mordacity, are very good salads; which virtue we find to be in some few of the flowers, namely,

flowers of ivy, which, infused in vinegar, are pleasant even to the taste, marigold leaves, which are used in broths, and flowers of betony. And, touching the operation upon the juices of the body, thus much.

V. *The Operation upon the Bowels of their Extrusion of Aliment.*

The history.

1. What those things are which comfort the principal bowels, which are the fountains of concoctions, namely, the stomach, liver, heart, and brain, to perform their functions well, (whereby aliment is distributed into the parts, spirits are dispersed, and the reparation of the whole body is accomplished,) may be derived from physicians, and from their prescripts and advices.

2. Touching the spleen, gall, kidneys, mesenteries, guts, and lungs, we speak not, for these are members ministering to the principal, and whereas speech is made touching health, they require sometimes a most special consideration, because each of these have their diseases, which, unless they be cured, will have influence upon the principal members. But, as touching the prolongation of life, and reparation by aliments, and retardation of the incoction of old age; if the concoctions and those principal bowels be well disposed, the rest will commonly follow according to one's wish.

3. And as for those things which, according to the different state of every man's body, may be transferred into his diet, and the regiment of his life, he may collect them out of the books of physicians, which have written of the comforting and preserving the four principal members; for conservation of health hath commonly need of no more than some short courses of physic, but length of life cannot be hoped without an orderly diet, and a constant race of sovereign medicines. But we will propound some few, and those the most select and prime directions.

4. The stomach (which, as they say, is the master of the house, and whose strength and goodness is fundamental to the other concoctions) ought so to be guarded and confirmed that it may be without intemperateness hot; next, astricted or bound, not loose; furthermore, clean, not surcharged with foul humours, and yet (in regard it is nourished from itself, and not from the veins) not altogether empty or hungry; lastly, it is to be kept ever in appetite, because appetite sharpens digestion.

5. I wonder much how that same calidum bibere, to drink warm drink, (which was in use amongst the ancients,) is laid down again. I knew a physician that was very famous, who, in the beginning of dinner and supper, would usually eat a few spoonfuls of very warm broth with much greediness, and then would presently wish that it were out again, saying, he had no need of the broth, but only of the warmth.

6. I do verily conceive it good that the first draught either of wine, or ale, or any other drink (to which a man is most accustomed) be taken at supper warm.

7. Wine in which gold hath been quenched, I conceive, would be very good once in a meal; not that I believe the gold conferreth any virtue thereunto, but that I know that the quenching of all metals in any kind of liquor doth leave a most potent astriction. Now, I choose gold, because, besides that astriction which I desire, it leaveth nothing behind it of a metalline impression.

8. I am of opinion that the sops of bread dipped in wine, taken at the midst of the meal, are better than wine itself, especially if there were infused into the wine in which the sops were dipped, rosemary and citron pill, and that with sugar, that it may not slip too fast.

9. It is certain that the use of quinces is good to strengthen the stomach, but we take them to be better if they be used in that which they call quiddeny of quinces, than in the bodies of the quinces themselves, because they lie heavy in the stomach. But those quiddenies are best taken, after meals, alone; before meals, dipped in vinegar.

10. Such things as are good for the stomach above other simples are these, rosemary, elecampane, mastic, wormwood, sage, mint.

11. I allow pills of aloes, mastic, and saffron, winter-time, taken before dinner, but so as the aloes be not only oftentimes washed in rose-water, but also in vinegar in which tragacanth hath been infused, and after that be macerated for a few hours in oil of sweet almonds new drawn, before it be made into pills.

12. Wine or ale, wherein wormwood has been infused, with a little elecampane and yellow sanders, will do well, taken at times, and that especially in winter.

13. But in summer, a draught of white wine allayed with strawberry water, in which wine, powder of pearls, and of the shells of crawfishes exquisitely beaten, and (which may, perhaps, seem strange) a little chalk have been infused, doth excellently refresh and strengthen the stomach.

14. But, generally, all draughts in the morning (which are but too frequently used) of cooling things, as of juices, decoctions, whey, barley waters, and the like, are to be avoided, and nothing is to be put into the stomach fasting which is purely cold. These things are better given, if need require, either at five in the afternoon, or else an hour after a light breakfast.

15. Often fastings are bad for long life; besides, all thirst is to be avoided, and the stomach is to be kept clean, but always moist.

16. Oil of olives new and good, in which a

little mithridate hath been dissolved, anointed upon the backbone, just against the mouth of the stomach, doth wonderfully comfort the stomach.

17. A small bag filled with locks of scarlet wool steeped in red wine, in which myrtle, and citron pill, and a little saffron have been infused, may be always worn upon the stomach. And touching those things which comfort the stomach, thus much, seeing many of those things also which serve for other operations are helpful to this.

18. The liver, if it be preserved from torrefaction or desiccation, and from obstruction, it needeth no more; for that looseness of it which begets aquosities is plainly a disease, but the other two, old age approaching induceth.

19. Hereunto appertain most especially those things which are set down in the operation upon the blood; we will add a very few things more, but those selected.

20. Principally, let there be in use the wine of sweet pomegranates; or, if that cannot be had, the juice of them newly pressed; let it be taken in the morning with a little sugar, and into the glass into which the expression is made put a small piece of citron pill, green, and three or four whole cloves; let this be taken from February till the end of April.

21. Bring also into use, above all other herbs, water-cresses, but young, not old; they may be used either raw in sallets, or in broths, or in drinks; and after that take spoonwort.

22. Aloes, however washed or corrected, is hurtful for the liver, and therefore it is never to be taken ordinarily. Contrariwise, rhubarb is sovereign for the liver, so that these three cautions be interposed: First, that it be taken before meat, lest it dry the body too much, or leave some impressions of the stypicity thereof. Secondly, that it be macerated an hour or two in oil of sweet almonds, new drawn, with rosewater, before it be infused in liquor, or given in the proper substance. Thirdly, that it be taken by turns, one while simple, another while with tartar, or a little bay-salt, that it carry not away the lighter parts only, and make the mass of the humours the more obstinate.

23. I allow wine, or some decoction with steel, to be taken three or four times in the year, to open the more strong obstructions; yet so that a draught of two or three spoonfuls of oil of sweet almonds, new drawn, ever go before, and the motion of the body, especially of the arms and sides, constantly follow.

24. Sweetened liquors, and that with some fatness, are principally, and not a little effectual to prevent the arefaction, and saltness, and torrefaction; and, in a word, the oldness of the liver, especially if they be well incorporated with age. They are made of sweet fruits and roots; as, namely, the wines and julips of raisins of the sun new, jujubes, dried figs, dates, parsnips, potatoes, and the like, with the mixture of liquorice sometimes. Also, a julip of the Indian grain, (which they call maize,) with the mixture of some sweet things, doth much to the same end. But it is to be noted, that the intention of preserving the liver in a kind of softness and fatness, is much more powerful than that other which pertains to the opening of the liver, which rather tendeth to health, than to length of life, saving that obstruction which induceth torrefaction, is as opposite to long life as those other arefactions.

25. I commend the roots of succory, spinage, and beets cleared of their piths, and boiled till they be tender in water, with a third part of white wine, for ordinary sallets, to be eaten with oil and vinegar. Also asparagus, pith of artichokes, and burroots boiled and served in after the same manner. Also broths in the spring-time of vine-buds, and the green blades of wheat. And touching the preserving of the liver, thus much.

26. The heart receiveth benefit or harm most from the air which we breathe, from vapours, and from the affections. Now, many of those things which have been formerly spoken, touching the spirits, may be transferred hither; but that undigested mass of cordials collected by physicians avails little to our intention; notwithstanding, those things which are found to be good against poisons, may, with good judgment, be given to strengthen and fortify the heart, especially if they be of that kind, that they do not so much resist the particular poisons, as arm the heart and spirits against poison in general. And touching these several cordials, you may repair to the table already set down.

27. The goodness of the air is better known by experience than by signs. We hold that air to be best where the country is level and plain, and that lieth open on all sides, so that the soil be dry, and yet not barren or sandy; which puts forth wild thyme, and eyebright, and a kind of marjoram, and here and there stalks of calamint; which is not altogether void of wood, but conveniently set with some trees for shade, where the sweetbrier-rose smelleth something musky and aromatically. If there be rivers, we suppose them rather hurtful than good, unless they be very small, and clear, and gravelly.

28. It is certain, that the morning air is more lively and refreshing than the evening air, though the latter be preferred out of delicacy.

29. We conceive also, that the air stirred with a gentle wind, is more wholesome than the air of a serene and calm sky; but the best is, the wind blowing from the west in the morning, and from the north in the afternoon.

30. Odours are especially profitable for the comforting of the heart, yet not so, as though a good odour were the prerogative of a good air; for it is certain, that as there are some pestilential

airs which smell not so ill as others that are less hurtful; so, on the contrary, there are some airs most wholesome and friendly to the spirits, which either smell not at all, or are less pleasing and fragrant to the sense. And generally, when the air is good, odours should be taken but now and then; for a continual odour, though never so good, is burdensome to the spirits.

31. We commend, above all others, (as we have touched before,) odour of plants growing, and not plucked, taken in the open air; the principal of that kind are, violets, gilliflowers, pinks, bean-flowers, lime tree blossoms, vine-buds, honeysuckles, yellow wallflowers, musk-roses, (for other roses growing are fast of their smells,) strawberry leaves, especially dying, sweetbrier, principally in the early spring, wild mint, lavender flowered; and in the hotter countries, orange tree, citron tree, myrtle, laurel. Therefore, to walk or sit near the breath of these plants, would not be neglected.

32. For the comforting of the heart, we prefer cool smells before hot smells; therefore, the best perfume is, either in the morning, or about the heat of the day, to take an equal portion of vinegar, rose-water, and claret wine, and to pour them upon a firepan somewhat heated.

33. Neither let us be thought to sacrifice to our mother the earth, though we advise that, in digging or ploughing the earth for health, a quantity of claret wine be poured thereon.

34. Orange-flower water, pure and good, with a small portion of rose-water, and brisk wine, snuffed up into the nostrils, or put into the nostrils with a syringe, after the manner of an errhine, (but not too frequently,) is very good.

35. But champing, (though we have no betel,) or holding in the mouth only of such things as cheer the spirits, (even daily done,) is exceeding comfortable. Therefore, for that purpose make grains, or little cakes of ambergris, musk, lignum aloes, lignum rhodium, orras powder, and roses; and let those grains or cakes be made up with rose-water which hath passed through a little Indian balsam.

36. The vapours which, arising from things inwardly taken, do fortify and cherish the heart, ought to have these three properties, that they be friendly, clear, and cooling; for hot vapours are naught, and wine itself, which is thought to have only a heating vapour, is not altogether void of an opiate quality. Now we call these vapours clear, which have more of the vapours than of the exhalation, and which are not smoky, or fuliginous, or unctuous, but moist and equal.

37. Out of that unprofitable rabble of cordials a few ought to be taken into daily diet; instead of all, ambergris, saffron, and the grain of Kermes, of the hotter sort. Roots of bugloss and borage, citrons, sweet lemons, and pearmains, of the colder sort. Also, that way which we said, both gold and pearls work a good effect, not only within the veins, but in their passage, and about the parts near the heart; namely, by cooling, without any malignant quality.

38. Of bezoar-stone we believe well, because of many trials; but then the manner of taking it ought to be such, as the virtue thereof may more easily be communicated to the spirits. Therefore, we approve not the taking of it in broths or syrups, or in rose-water, or any such like; but only in wine, cinnamon-water, or the like distilled water, but that weak or small, not burning or strong.

39. Of the affections we have spoken before: we only add this, that every noble, and resolute, and (as they call it) heroical desire, strengtheneth and enlargeth the powers of the heart. And touching the heart, thus much.

40. As for the brain, where the seat and court of the animal spirits is kept, those things which were inquired before touching opium, and nitre, and the subordinates to them both; also touching the procuring of placid sleep, may likewise be referred hither. This also is most certain, that the brain is in some sort in the custody of the stomach; and, therefore, those things which comfort and strengthen the stomach, do help the brain by consent, and may no less be transferred hither. We will add a few observations, three outward, one inward.

41. We would have bathing of the feet to be often used, at least once in a week; and the bath to be made of lye with bay-salt, and a little sage, camomile, fennel, sweet marjoram, and pepperwort, with the leaves of angelica green.

42. We commend also a fume or suffumigation every morning of dried rosemary, bay leaves dried, and lignum aloes; for all sweet gums oppress the head.

43. Especially care must be taken that no hot things be applied to the head outwardly; such are all kind of spices, the very nutmeg not excepted; for those hot things, we debase them to the soles of the feet, and would have them applied there only; but a light anointing of the head with oil, mixed with roses, myrtle, and a little salt and saffron, we much commend.

44. Not forgetting those things which we have before delivered touching opiates, nitre, and the like, which so much condense the spirits; we think it not impertinent to that effect that once in fourteen days broth be taken in the morning with three or four grains of castoreum, and a little angelica seed, and calamus, which both fortify the brain, and in that aforesaid density of the substance of the spirits, (so necessary to long life,) add also a vivacity of motion and vigour to them.

45. In handling the comforters of the four principal bowels we have propounded those things which are both proper and choice, and may

safely and conveniently be transferred into diets and regiment of life; for variety of medicines is the daughter of ignorance; and it is not more true, that many dishes have caused many diseases, as the proverb is, than this is true, that many medicines have caused few cures. And touching the operation upon the principal bowels for their extrusion of aliment, thus much.

VI. *The Operation upon the Outward Parts for their Attraction of Aliment.*

The history.

1. Although a good concoction performed by the inward parts be the principal towards a perfect alimentation, yet the actions of the outward parts ought also to concur; that like as the inward faculty sendeth forth and extrudeth the aliment, so the faculty of the outward parts may call forth, and attract the same; and the more weak the faculty of concoction shall be, the more need is there of a concurring help of the attractive faculty.

2. A strong attraction of the outward parts is chiefly caused by the motion of the body, by which the parts being heated and comforted, do more cheerfully call forth and attract the aliment unto themselves.

3. But this is most of all to be foreseen and avoided, that the same motion and heat which calls the new juice to the members, doth not again despoil the member of that juice wherewith it had been before refreshed.

4. Frications used in the morning serve especially to this intention; but this must evermore accompany them, that after the frication, the part being lightly anointed with oil, lest the attrition of the outward parts make them by perspiration dry and juiceless.

5. The next is exercise, (by which the parts confricate and chafe themselves,) so it be moderate, and which (as was noted before) is not swift, nor to the utmost strength, nor unto weariness. But in exercise and frication there is the same reason and caution, that the body may not perspire, or exhale too much. Therefore exercise is better in the open air than in the house, and better in winter than in summer. And, again, exercise is not only to be concluded with unction, as frication is, but in vehement exercises unction is to be used both in the beginning and in the end, as it was anciently to champions.

6. That exercise may resolve either the spirits or the juices as little as may be, it is necessary that it be used when the stomach is not alto empty; and, therefore, that it may not be upon a full stomach, (which doth much concern health,) nor yet upon an empty stomach, (which doth no less concern long life,) it is best to take a breakfast in the morning, not of any physical drugs, or of any liquors, or of raisins, or of figs, or the like, but of plain meat and drink; yet that very light, and in moderate quantity.

7. Exercises used for the irrigation of the members, ought to be equal to all the members; not (as Socrates said) that the legs should move, and the arms should rest, or on the contrary; but that all the parts may participate of the motion. And it is altogether requisite to long life, that the body should never abide long in one posture, but that every half hour, at least, it change the posture, saving only in sleep.

8. Those things which are used to mortification, may be transferred to vivification; for both hair-shirts, and scourgings, and all vexations of the outward parts, do fortify the attractive force of them.

9. Cardan commends nettling, even to let out melancholy; but of this we have no experience. And, besides, we have no good opinion of it, lest, through the venomous quality of the nettle, it may with often use breed itches, and other diseases of the skin. And touching the operation upon the outward parts for their attraction of aliment, thus much.

VII. *The Operation upon the Aliment itself, for the Insinuation thereof.*

The history.

1. The vulgar reproof touching many dishes, doth rather become a severe reformer, than a physician; or, howsoever it may be good for preservation of health, yet it is hurtful to length of life, by reason that a various mixture of aliments, and somewhat heterogeneous, finds a passage into the veins and juices of the body more lively and cheerfully, than a simple and homogeneous diet doth; besides, it is more forcible to stir up appetite, which is the spur of digestion. Therefore we allow both a full table, and a continual changing of dishes, according to the seasons of the year, or upon other occasions.

2. Also that opinion of the simplicity of meats without sauces, is but a simplicity of judgment; for good and well chosen sauces are the most wholesome preparation of meats, and conduce both to health and to long life.

3. It must be ordered, that with meats hard of digestion be conjoined strong liquors, and sauces that may penetrate and make way; but with meats more easy of digestion, smaller liquors, and fat sauces.

4. Whereas we advised before, that the first draught at supper should be taken warm; now we add, that for the preparation of the stomach, a good draught of that liquor (to which every man is most accustomed) be taken warm half an hour before meat also, but a little spiced, to please the taste.

5. The preparation of meats, and bread, and drinks, that they may be rightly handled, and in

order to this intention, is of exceeding great moment, howsoever it may seem a mechanical thing, and savouring of the kitchen and buttery; yet it is of more consequence than those fables of gold and precious stones, and the like.

6. The moistening of the juices of the body by a moist preparation of the aliment, is a childish thing, it may be somewhat available against the fervours of diseases, but it is altogether averse to roscid alimentation. Therefore, boiling of meats as concerning our intention, is far inferior to roasting, and baking, and the like.

7. Roasting ought to be with a quick fire, and soon despatched, not with a dull fire and in long time.

8. All solid fleshes ought to be served in not altogether fresh, but somewhat powdered or corned; the less salt may be spent at the table with them, or none at all; for salt incorporated with the meat before, is better distributed in the body than eaten with it at the table.

9. There would be brought into use several and good macerations and infusions of meats in convenient liquors, before the roasting of them, the like whereof are sometime in use before they bake them, and in the pickles of some fishes.

10. But beatings, and as it were scourgings, of flesh meats before they be boiled, would work no small matter. We see it is confessed, that partridges and pheasants killed with a hawk, also bucks and stags killed in hunting, if they stand not out too long, eat better even to the taste, and some fishes scourged and beaten become more tender and wholesome; also hard and sour pears, and some other fruits, grow sweet with rolling them. It were good to practise some such beating and bruising of the harder kinds of fleshes before they be brought to the fire, and this would be one of the best preparations of all.

11. Bread a little leavened and very little salted is best, and which is baked in an oven thoroughly heated, and not with a faint heat.

12. The preparation of drinks, in order to long life, shall not exceed one precept; and as touching water drinkers, we have nothing to say: such a diet (as we said before) may prolong life to an indifferent term, but to no eminent length; but in other drinks that are full of spirit, (such as are wine, ale, mead, and the like,) this one thing is to be observed and pursued as the sum of all, That the parts of the liquor may be exceeding thin and subtile, and the spirit exceeding mild. This is hard to be done by age alone, for that makes the parts a little more subtile, but the spirits much more sharp and eager; therefore, of the infusions in the vessels of some fat substance, which may restrain the acrimony of the spirits, counsel hath been given before. There is also another way without infusion or mixture; this is, that the liquor might be continually agitated, either by carriage upon the water, or by carriage by land, or by hanging the vessels upon lines, and daily stirring them, or some such other way; for it is certain, that this local motion doth both subtilize the parts, and doth so incorporate and compact the spirits with the parts, that they have no leisure to turn to sourness, which is a kind of putrefaction.

But in extreme old age such a preparation of meats is to be made, as may be almost in the middle way to chylous. And touching the distillations of meats, they are mere toys, for the nutritive part, at least the best of it, doth not ascend in vapours.

14. The incorporating of meat and drink before they meet in the stomach, is a degree to chylous; therefore let chickens, or partridges, or pheasants, or the like, be taken and boiled in water, with a little salt, then let them be cleansed and dried, afterward let them be infused in must or ale before it hath done working, with a little sugar.

Also grazies of meat, and the mincings of them small, well seasoned, are good for old persons; and the rather, for that they are destituted of the office of their teeth in chewing, which is a principal kind of preparation.

16. And as for the helps of that defect, (namely, of the strength of teeth to grind the meat,) there are three things which may conduce thereunto. First, that new teeth may put forth; that which seems altogether difficult, and cannot be accomplished without an inward and powerful restauration of the body. Secondly, that the jaws be so confirmed by due astringents, that they may in some sort supply the office of the teeth; which may possibly be effected. Thirdly, that the meat be so prepared, that there shall be no need of chewing, which remedy is at hand.

17. We have some thought also touching the quantity of the meat and drink, that the same taken in a larger quantity at some times, is good for the irrigation of the body; therefore both great feastings, and free drinkings, are not altogether to be inhibited. And touching the operation upon the aliments, and the preparation of them, thus much.

VIII. *The Operation upon the last Act of Assimilation.*

Touching the last act of assimilation, (unto which the three operations immediately preceding chiefly tend,) our advice shall be brief and single, and the thing itself rather needs explication than many various rules.

1. It is certain, that all bodies are endued with some desire of assimilating those things which are next them. This the rare and pneumatical bodies, as flame, spirit, air, perform generously and with alacrity; on the contrary, those that carry a gross and tangible bulk about them do but weakly, in regard that the desire of assimilating

other things is bound in by a stronger desire o' rest, and containing themselves from motion.

2. Again, it is certain that the desire of assimilating being bound, as we said, in a gross body, and made ineffectual, is somewhat freed and stirred up by the heat and neighbouring spirit, so that it is then actuated; which is the only cause why inanimates assimilate not, and animates assimilate.

3. This also is certain, that the harder the consistence of the body is, the more doth that body stand in need of a greater heat to prick forward the assimilation; which falls out ill for old men because in them the parts are more obstinate, and the heat weaker, and therefore either the obstinacy of their parts is to be softened or their heat increased. And, as touching the malacissation or mollifying of the members, we shall speak afterward, having also formerly propounded many things which pertain to the prohibiting and preventing of this kind of hardness. For the other, touching the increasing of the heat, we will now deliver a single precept, after we have first assumed this axiom.

4. The act of assimilation (which, as we said, is excited by the heat circumfused) is a motion exceeding accurate, subtile, and in little; now, all such motions do then come to their vigour, when the local motion wholly ceaseth which disturbeth it. For the motion of separation into homogeneal parts, which is in milk, that the cream should swim above, and the whey sink to the bottom, will never work, if the milk be never so little agitated; neither will any putrefaction proceed in water or mixed bodies, if the same be in continual local motion. So, then, from this assumption we will conclude this for the present inquisition.

5. The act itself of assimilation, is chiefly accomplished in sleep and rest, especially towards the morning, the distribution being finished. Therefore, we have nothing else to advise but that men keep themselves hot in their sleep; and further, that towards the morning there be used some anointing, or shirt tincted with oil, such as may gently stir up heat, and after that to fall asleep again. And, touching the last act of assimilation, thus much.

IX. *The Operation upon the Inteneration of that which begins to be arefied, or the Malacissation of the Body.*

We have inquired formerly touching the inteneration from within, which is done by many windings and circuits, as well of alimentation as of detaining the spirit from issuing forth, and, therefore, is accomplished slowly. Now, we are to inquire touching that inteneration which is from without, and is affected, as it were, suddenly; or touching the malacissation and supplying of the body.

The history.

1. In the fable of restoring Pelias to youth again, Medea, when she feigned to do it, propounded this way of accomplishing the same; that the old man's body should be cut into several pieces, and then boiled in a caldron with certain medicaments. There may, perhaps, some boiling be required to this matter, but the cutting into pieces is not needful.

2. Notwithstanding, this cutting into pieces seems in some sort to be used, not with a knife, but with judgment. For, whereas the consistence of the bowels and parts is very diverse, it is needful that the inteneration of them both be not effected the same way, but that there be a cure designed of each in particular, besides those things which pertain to the inteneration of the whole mass of the body; of which, notwithstanding, in the first place.

3. This operation (if, perhaps, it be within our power) is most likely to be done by baths, unctions, and the like, concerning which, these things that follow are to be observed.

4. We must not be too forward in hoping to accomplish this matter, from the examples of those things which we see done in the imbibitions and macerations of inanimates, by which they are intenerated, whereof we introduced some instances before: for this kind of operation is more easy upon inanimates, because they attract and suck in the liquor; but upon the bodies of living creatures it is harder, because in them the motion rather tendeth outward, and to the circumference.

5. Therefore, the emollient baths which are in use do little good, but on the contrary hurt, because they rather draw forth than make entrance, and resolve the structure of the body, rather than consolidate it.

6. The baths and unctions which may serve to the present operation, (namely, of intenerating the body truly and really,) ought to have three properties.

7. The first and principal is, that they consist of those things which, in their whole substance, are like unto the body and flesh of man, and which have a feeding and nursing virtue from without.

8. The second is, that they be mixed with such things as, through the subtilty of their parts, may make entrance, and so insinuate and convey their nourishing virtue into the body.

9. The third is, that they receive some mixture (though much inferior to the rest) of such things as are astringent; I mean not sour or tart things, but unctuous and comforting, that while the other two do operate, the exhaling out of the body, which destroyeth the virtue of the things intenerating, may, as much as possible, be prohibited; and the motion to the inward parts, by the astriction of the skin and closing of the passages, may be promoted and furthered.

10. That which is most consubstantial to the body of man is warm blood, either of man, or of some other living creature. But the device of Ficinus, touching the sucking of blood out of the arm of a wholesome young man, for the restoration of strength, in old men, is very frivolous; for that which nourisheth from within, ought no way to be equal or homogeneal to the body nourished, but in some sort inferior and subordinate, that it may be converted. But in things applied outwardly, by how much the substance is liker, by so much the consent is better.

11. It hath been anciently received, that a bath made of the blood of infants will cure the leprosy, and heal the flesh already putrefied; insomuch that this thing hath begot envy towards some kings from the common people.

12. It is reported that Heraclitus, for cure of the dropsy, was put into the warm belly of an ox newly slain.

13. They use the blood of kitlings warm to cure the disease called St. Anthony's Fire, and to restore the flesh and skin.

14. An arm, or other member newly cut off, or that, upon some other occasion, will not leave bleeding, is with good success put into the belly of some creatures newly ripped up, for it worketh potently to stanch the blood; the blood of the member cut off, by consent sucking in, and vehemently drawing to itself the warm blood of the creature slain, whereby itself is stopped, and retireth.

15. It is much used in extreme and desperate diseases to cut in two young pigeons yet living, and apply them to the soles of the feet, and to shift them one after another, whereby sometimes there followeth a wonderful ease. This is imputed vulgarly, as if they should draw down the malignity of the disease: but, howsoever, this application goeth to the head, and comforteth the animal spirit.

16. But these bloody baths and unctions seem to us sluttish and odious: let us search out some others, which perhaps have less loathsomeness in them, and yet no less benefit.

17. Next unto warm blood, things alike in substance to the body of a man are nutritives; fat fleshes of oxen, swine, deer, oysters amongst fishes, milk, butter, yolks of eggs, flower of wheat, sweet wine, either sugared, or before it be fined.

18. Such things as we would have mixed to make impression, are instead of all salts, especially bay-salt: also wine (when it is full of spirit) maketh entrance, and is an excellent convoy.

19. Astringents of that kind which we described, namely, unctuous and comfortable things, are saffron, mastic, myrrh, and myrtle-berries.

20. Of these parts, in our judgment, may very well be made such a bath as we design: physicians and posterity will find out better things hereafter.

21. But the operation will be much better, and more powerful, if such a bath as we have propounded (which we hold to be the principal matter) be attended with a fourfold course and order.

22. First, that there go before the bath a frication of the body, and an anointing with oil, with some thickening substance, that the virtue and moistening heat of the bath may pierce the body, and not the watery part of the liquor; then let the bath follow, for the space of some two hours. After the bath, let the body be emplastered with mastick, myrrhe, tragacanth, diapalma, and saffron, that the perspiration of the body may (as much as possible) be inhibited, till the supple matter be by degrees turned into solid. This to be continued for the space of twenty-four hours, or more. Lastly, the emplastering being removed, let there be an anointing with oil mixed with salt and saffron, and let this bath, together with the emplastering and unction (as before) be renewed every fifth day. This malacissation, or supplying of the body, be continued for one whole month.

23. Also during the time of this malacissation, we hold it useful and proper, and according to our intention, that men nourish their bodies well, and keep out of the cold air, and drink nothing but warm drink.

24. Now, this is one of those things (as we warned in general in the beginning) whereof we have made no trial by experiment, but only set it down out of our aiming and leveling at the end. For having set up the mark, we deliver the light to others.

25. Neither ought the warmths and cherishing of living bodies to be nglected. Ficinus saith, and that seriously enough, That the laying of the young maid in David's bosom was wholesome for him, but it came too late. He should also have added, that the young maid, after the manner of the Persian virgins, ought to have been anointed with myrrh, and such like, not for deliciousness, but to increase the virtue of this cherishing by a living body.

26. Barbarossa, in his extreme old age, by the advice of a physician, a Jew, did continually apply young boys to his stomach and belly, for warmth and cherishing. Also some old men lay whelps (creatures of the hottest kind) close to their stomachs every night.

27. There hath gone a report, almost undoubted, and that under several names, of certain men that had great noses, who, being weary of the derision of people, have cut off the bunches or gillocks of their noses, and then making a wide gash in their arms, have held their noses in the place for a certain time, and so brought forth fair and comely noses; which, if it be true, it shows

plainly the consent of flesh and flesh, especially in live fleshes.

28. Touching the particular inteneration of the principal bowels, the stomach, lungs, liver, heart, brain, marrow of the backbone, guts, reins, gall, veins, arteries, nerves, cartilages, bones, the inquisition and direction would be too long, seeing we now set not forth a practice, but certain indications to the practice.

X. *The Operation upon the purging away of old Juice, and supplying of new Juice; or of Renovation by Turns.*

The history.

Although those things which we shall here set down have been, for the most part, spoken of before; yet because this operation is one of the principal, we will handle them over again more at large.

1. It is certain, that draught oxen, which have been worn out with working, being put into fresh and rich pastures, will gather tender and young flesh again; and this will appear even to the taste and palate; so that the inteneration of flesh is no hard matter. Now, it is likely that this inteneration of the flesh being often repeated, will in time reach to the inteneration of the bones and membranes, and like parts of the body.

2. It is certain, that diets which are now much in use, principally of guaiacum, and of sarsaparilla, china, and sassafras, if they be continued for any time, and according to strict rules, do first attenuate the whole juice of the body, and after consume it, and drink it up. Which is most manifest, because that by these diets the French pox, when it is grown even to a hardness, and hath eaten up and corrupted the very marrow of the body, may be effectually cured. And, further, because it is manifest, that men who, by these diets, are brought to be extreme lean, pale, and, as it were, ghosts, will soon after become fat, well coloured, and apparently young again. Wherefore we are absolutely of opinion, that such kind of diets in the decline of age, being used every year, would be very useful to our intention; like the old skin or spoil of serpents.

3. We do confidently affirm (neither let any man reckon us among those heretics which were called Cathari) that often purges, and made even familiar to the body, are more available to long life than exercises and sweats. And this must needs be so, if that be held which is already laid for a ground, that unctions of the body, and oppletion of the passages from without, and exclusion of air, and detaining of the spirit within the mass of the body, do much conduce to long life. For it is most certain, that by sweats and outward perspirations, not only the humours and excrementitious vapours are exhaled and consumed, but together with them the juices also, and good spirits, which are not so easily repaired; but in purges (unless they be very immoderate) it is not so, seeing they work principally upon the humours. But, the best purges for this intention are those which are taken immediately before meat, because they dry the body less; and, therefore, they must be of those purges which do least trouble the belly.

These intentions of the operations which we have propounded (as we conceive) are most true, the remedies faithful to the intentions. Neither is it credible to be told (although not a few of these remedies may seem but vulgar) with what care and choice they have been examined by us, that they might be (the intention not at all impeached) both safe and effectual. Experience, no doubt, will both verify and promote these matters. And such, in all things, are the works of every prudent counsel, that they are admirable in their effects, excellent also in their order, but seeming vulgar in the way and means.

The Porches of Death.

We are now to inquire touching the porches of death, that is, touching those things which happen unto men at the point of death, both a little before and after; that seeing there are many paths which lead to death, it may be understood in what common way they all end, especially in those deaths which are caused by indigence of nature, rather than by violence; although something of this latter also must be inserted, because of the connexion of things.

The history.

1. The living spirit stands in need of three things that it may subsist; convenient motion, temperate refrigeration, and fit aliment. Flame seems to stand in need but of two of these, namely, motion and aliment, because flame is a simple substance, the spirit a compounded, insomuch that if it approach somewhat too near to a flamy nature, it overthroweth itself.

2. Also flame by a greater and stronger flame is extinguished and slain, as Aristotle well noted, much more the spirit.

3. Flame, if it be much compressed and straitened, is extinguished; as we may see in a candle having a glass cast over it, for the air being dilated by the heat doth contrude and thrust together the flame, and so lesseneth it, and in the end extinguisheth it; and fires on hearths will not flame, if the fuel be thrust close together, without any space for the flame to break forth.

4. Also things fired are extinguished with compression; as if you press a burning coal hard with the tongs, or the foot, it is straight extinguished.

5. But to come to the spirit; if blood or phlegm get into the ventricles of the brain, it causeth sudden death, because the spirit hath no room to move itself.

6. Also a great blow on the head induceth sud-

den death, the spirits being straitened within the ventricles of the brain.

7. Opium, and other strong stupefactives, do coagulate the spirit, and deprive it of the motion.

8. A venomous vapour, totally abhorred by the spirit, causeth sudden death; as in deadly poisons, which work (as they call it) by a special malignity; for they strike a loathing into the spirit, that the spirit will no more move itself, nor rise against a thing so much detested.

9. Also extreme drunkenness, or extreme feeding, sometimes cause sudden death, seeing the spirit is not only oppressed with over-much condensing, or the malignity of the vapour, (as in opium and malignant poisons,) but also with the abundance of the vapours.

10. Extreme grief or fear, especially if they be sudden, (as it is in a sad and unexpected message,) cause sudden death.

11. Not only over-much compression, but also over-much dilatation of the spirit, is deadly.

12. Joys excessive and sudden have bereft many of their lives.

13. In greater evacuations, as when they cut men for the dropsy, the waters flow forth abundantly, much more in great and sudden fluxes of blood, oftentimes present death followeth; and this happens by the mere flight of vacuum within the body, all the parts moving to fill the empty places; and, amongst the rest, the spirits themselves. For, as for slow fluxes of blood, this matter pertains to the indigence of nourishment, not to the diffusion of the spirits. And touching the motion of the spirit so far, either compressed or diffused, that it bringeth death, thus much.

14. We must come next to the want of refrigeration. Stopping of the breath causeth sudden death; as in all suffocation or strangling. Now, it seems this matter is not so much to be referred to the impediment of motion as to the impediment of refrigeration; for air over-hot, though attracted freely, doth no less suffocate than if breathing were hindered; as it is in them who have been sometimes suffocated with burning coals, or with charcoal, or with walls new plastered in close chambers where a fire is made: which kind of death is reported to have been the end of the Emperor Jovinian. The like happeneth from dry baths over-heated, which was practised in the killing of Fausta, wife to Constantine the Great.

15. It is a very small time which nature taketh to repeat the breathing, and in which she desireth to expel the foggy air drawn into the lungs, and to take in new, scarce the third part of a minute.

16. Again, the beating of the pulse, and the motion of the systole and diastole of the heart, are three times quicker than that of breathing; insomuch that if it were possible that that motion of the heart could be stopped without stopping the breath, death would follow more speedily thereupon than by strangling.

17. Notwithstanding, use and custom prevail much in this natural action of breathing; as it is in the Delian divers and fishers for pearl, who by long use can hold their breaths at least ten times longer than other men can do.

18. Amongst living creatures, even of those that have lungs, there are some that are able to hold their breaths a long time, and others that cannot hold them so long, according as they need more or less refrigeration.

19. Fishes need less refrigeration than terrestrial creatures, yet some they need, and take it by their gills. And as terrestrial creatures cannot bear the air that is too hot, or too close, so fishes are suffocated in waters if they be totally and long frozen.

20. If the spirit be assaulted by another heat greater than itself, it is dissipated and destroyed; for it cannot bear the proper heat without refrigeration, much less can it bear another heat which is far stronger. This is to be seen in burning fevers, where the heat of the putrefied humours doth exceed the native heat, even to extinction or dissipation.

21. The want also and use of sleep is referred to refrigeration; for motion doth attenuate and rarefy the spirit, and doth sharpen and increase the heat thereof: contrarily, sleep settleth and restraineth the motion and gadding of the same; for though sleep doth strengthen and advance the actions of the parts and of the lifeless spirits, and all that motion which is to the circumference of the body, yet it doth in great part quiet and still the proper motion of the living spirit. Now, sleep is regularly due unto human nature once within four-and-twenty hours, and that for six, or five hours at the least; though there are, even in this kind, sometimes miracles of nature; as it is recorded of Mæcenas, that he slept not for a long time before his death. And as touching the want of refrigeration for conserving of the spirit, thus much.

22. As concerning the third indigence, namely, of aliment, it seems to pertain rather to the parts, than to the living spirit; for a man may easily believe that the living spirit subsisteth in identity, not by succession or renovation. And as for the reasonable soul in men, it is above all question, that it is not engendered of the soul of the parents, nor is repaired, nor can die. They speak of the natural spirit of living creatures, and also of vegetables, which differs from that other soul essentially and formally; for out of the confusion of these, that same transmigration of souls, and innumerable other devices of heathens and heretics have proceeded.

23. The body of man doth regularly require renovation by aliment every day, and a body in health can scarce endure fasting three days together; notwithstanding, use and custom will do much, even in this case; but in sickness fasting

is less grievous to the body. Also, sleep doth supply somewhat to nourishment; and on the other side, exercise doth require it more abundantly. Likewise there have some been found who sustained themselves (almost to a miracle in nature) a very long time without meat or drink.

24. Dead bodies, if they be not intercepted by putrefaction, will subsist a long time without any notable absumption; but living bodies, not above three days, (as we said,) unless they be repaired by nourishment; which showeth that quick absumption to be the work of the living spirit, which either repairs itself, or puts the parts into a necessity of being repaired, or both. This is testified by that also which was noted a little before, namely, that living creatures may subsist somewhat the longer without aliment, if they sleep: now, sleep is nothing else but a reception and retirement of the living spirit into itself.

25. An abundant and continual efflux of blood, which sometimes happeneth in the hæmorrhoids, sometimes in vomiting of blood, the inward veins being unlocked or broken, sometimes by wounds, causeth sudden death, in regard that the blood of the veins ministereth to the arteries, and the blood of the arteries to the spirit.

26. The quantity of meat and drink which a man, eating two meals a day, receiveth into his body, is not small; much more than he voideth again either by stool, or by urine, or by sweating. You will say, no marvel, seeing the remainder goeth into the juices and substance of the body. It is true; but consider, then, that this addition is made twice a day, and yet the body aboundeth not much. In like manner, though the spirit be repaired, yet it grows not excessively in the quantity.

27. It doth no good to have the aliment ready, in a degree removed, but to have it of that kind, and so prepared and supplied, that the spirit may work upon it; for the staff of a torch alone will not maintain the flame, unless it be fed with wax, neither can men live upon herbs alone. And from thence comes the inconcoction of old age, that though there be flesh and blood, yet the spirit is become so penurious and thin, and the juices and blood so heartless and obstinate, that they hold no proportion to alimentation.

28. Let us now cast up the accounts of the needs and indigences according to the ordinary and usual course of nature. The spirit hath need of opening and moving itself in the ventricles of the brain and nerves even continually, of the motion of the heart every third part of a moment, of breathing every moment, of sleep and nourishment once within three days, of the power of nourishment commonly till eighty years be past; and if any of these indigences be neglected, death ensueth. So there are plainly three porches of death; destitution of the spirit in the motion, in the refrigeration, in the aliment.

It is an error to think that the living spirit is perpetually generated and extinguished as flame is, and abideth not any notable time; for even flame itself is not thus out of its own proper nature, but because it liveth amongst enemies; for flame within flame endureth. Now, the living spirit liveth amongst friends, and all due obsequiousness. So then, as, flame is a momentary substance, air is a fixed substance, the living spirit is betwixt both.

Touching the extinguishing of the spirit by the destruction of the organs (which is caused by diseases and violence) we inquire not now, as we foretold in the beginning, although that also endeth in the same three porches. And touching the form of death itself, thus much.

29. There are two great forerunners of death, the one sent from the head, the other from the heart; convulsion, and the extreme labour of the pulse: for as for the deadly hiccough, it is a kind of convulsion. But the deadly labour of the pulse hath that unusual swiftness, because the heart at the point of death doth so tremble, that the systole and diastole thereof are almost confounded. There is also conjoined in the pulse a weakness and lowness, and oftentimes a great intermission, because the motion of the heart faileth, and is not able to rise against the assault stoutly or constantly.

30. The immediate preceding signs of death are, great unquietness and tossing in the bed, fumbling with the hands, catching and grasping hard, gnashing with the teeth, speaking hollow, trembling of the nether lip, paleness of the face, the memory confused, speechless, cold sweats, the body shooting in length, lifting up the white of the eye, changing of the whole visage, (as the nose sharp, eyes hollow, cheeks fallen,) contraction and doubling of the coldness in the extreme parts of the body, in some, shedding of blood, or sperm, shrieking, breathing thick and short, falling of the nether chap, and such like.

31. There follow death a privation of all sense and motion, as well of the heart and arteries, as of the nerves and joints, an inability of the body to support itself upright, stiffness of the nerves and parts, extreme coldness of the whole body, after a little while putrefaction and stinking.

Eels, serpents, and the insecta, will move a long time in every part after they are cut asunder, insomuch that country people think that the parts strive to join together again. Also birds will flutter a great while after their heads are pulled off; and the hearts of living creatures will pant a long time after they are plucked out. I remember I have seen the heart of one that was bowelled, as suffering for high treason, that being cast into the fire, leaped at the first at least a foot and half

in height, and after, by degrees, lower and lower, for the space, as I remember, of seven or eight minutes. There is also an ancient and credible tradition of an ox lowing after his bowels were plucked out. But there is a more certain tradition of a man, who being under the executioner's hand for high treason, after his heart was plucked out, and in the executioner's hand, was heard to utter three or four words of prayer; which therefore we said to be more credible than that of the ox in sacrifice, because the friends of the party suffering do usually give a reward to the executioner to despatch his office with the more speed, that they may the sooner be rid of their pain; but in sacrifices, we see no cause why the priest should be so speedy in his office.

33. For reviving those again which fall into sudden swoonings and catalepsies of astonishments, (in which fits many, without help, would utterly expire,) these things are used, putting into their mouths water distilled of wine, which they call hot waters, and cordial waters, bending the body forward, stopping the mouth and nostrils hard, bending or wringing the fingers, pulling the hairs of the beard or head, rubbing of the parts, especially the face and legs, sudden casting of cold water upon the face, shrieking out aloud and suddenly, putting rose-water to the nostrils, with vinegar in faintings; burning of feathers, or cloth, in the suffocation of the mother; but especially a frying-pan heated red-hot, is good in apoplexies; also a close embracing of the body hath helped some.

34. There have been many examples of men in show dead, either laid out upon the cold floor, or carried forth to burial; nay, of some buried in the earth; which notwithstanding have lived again, which hath been found in those that were buried (the earth being afterwards opened) by the bruising and wounding of their head, through the struggling of the body within the coffin; whereof the most recent and memorable example was that of Joannes Scotus, called the subtile, and a schoolman, who being digged up again by his servant, (unfortunately absent at his burial, and who knew his master's manner in such fits,) was found in that state: and the like happened in our days in the person of a player, buried at Cambridge. I remember to have heard of a certain gentleman that would needs make trial, in curiosity, what men did feel that were hanged; so he fastened the cord about his neck, raising himself upon a stool, and then letting himself fall, thinking it should be in his power to recover the stool at his pleasure, which he failed in, but was helped by a friend then present. He was asked, afterward what he felt; he said he felt no pain, but first he thought he saw before his eyes a great fire, and burning; then he thought he saw all black, and dark; lastly, it turned to a pale blue, or sea-water green; which colour is also often seen by them which fall into swoonings. I have heard also of a physician, yet living, who recovered a man to life which had hanged himself, and had hanged half an hour, by frications and hot baths; and the same physician did profess, that he made no doubt to recover any man that had hanged so long, so his neck were not broken with the first swing.

The Difference of Youth and Old Age.

To the sixteenth article.

1. The ladder of man's body is this, to be conceived, to be quickened in the womb, to be born, to suck, to be weaned, to feed upon pap, to put forth teeth the first time about the second year of age, to begin to go, to begin to speak, to put forth teeth the second time about seven years of age, to come to puberty about twelve or fourteen years of age, to be able for generation, and the flowing of the menstrua, to have hairs about the legs and arm-holes, to put forth a beard; and thus long, and sometimes later, to grow in stature, or to come to full years of strength and agility, to grow gray and bald; the menstrua ceasing, and ability to generation, to grow decrepit, and a monster with three legs, to die. Meanwhile, the mind also hath certain periods, but they cannot be described by years, as to decay in the memory, and the like, of which hereafter.

2. The differences of youth and old age are these: a young man's skin is smooth and plain, an old man's dry and wrinkled, especially about the forehead and eyes; a young man's flesh is tender and soft, an old man's hard; a young man hath strength and agility, an old man feels decay in his strength, and is slow of motion; a young man hath good digestion, an old man bad; a young man's bowels are soft and succulent, an old man's salt and parched; a young man's body is erect and straight, an old man's bowing and crooked; a young man's limbs are steady, an old man's weak and trembling; the humours in a young man are choleric, and his blood inclined to heat, in an old man phlegmatic and melancholic, and his blood inclined to coldness; a young man ready for the act of Venus, an old man slow unto it; in a young man the juices of his body are more roscid, in an old man more crude and waterish; the spirit in a young man plentiful and boiling, in an old man scarce and jejune; a young man's spirit is dense and vigorous, an old man's eager and rare; a young man his senses quick and entire, an old man dull and decayed; a young man's teeth are strong and entire, an old man's weak, worn, and fallen out; a young man's hair is coloured, an old man's (of what colour soever it were) gray; a young man hath hair, an old man baldness; a young man's pulse is stronger and quicker, an old man's more confused and slower; the diseases of young men are more acute and curable, of old men longer, and hard

to cure; a young man's wounds soon close, an old man's later; a young man's cheeks are of a fresh colour, an old man's pale, or with a black blood; a young man is less troubled with rheums, an old man more. Neither do we know in what things old men do improve, as touching their body, save only sometimes in fatness; whereof the reason is soon given, because old men's bodies do neither perspire well nor assimilate well. Now, fatness is nothing else but exuberance of nourishment above that which is voided by excrement, or which is perfectly assimilated. Also, some old men improve in the appetite of feeding, by reason of the acid humours, though old men digest worst. And all these things which we have said, physicians negligently enough will refer to the diminution of the natural heat and radical moisture, which are things of no worth for use. This is certain, dryness in the coming on of years doth forego coldness; and bodies, when they come to the top and strength of heat, do decline in dryness, and after that follows coldness.

3. Now we are to consider the affections of the mind. I remember when I was a young man, at Poictiers in France, I conversed familiarly with a certain Frenchman, a witty young man, but something talkative, who afterwards grew to be a very eminent man; he was wont to inveigh against the manners of old men, and would say, that if their minds could be seen as their bodies are, they would appear no less deformed. Besides, being in love with his own wit, he would maintain, that the vices of old men's minds have some correspondence, and were parallel to the putrefactions of their bodies: for the dryness of their skin, he would bring in impudence; for the hardness of their bowels, unmercifulness; for the lippitude of their eyes, an evil eye, and envy; for the casting down of their eyes, and bowing their body towards the earth, atheism; (for, saith he, they look no more up to heaven as they are wont;) for the trembling of their members, irresolutions of their decrees and light inconstancy; for the bending of their fingers, as it were to catch, rapacity and covetousness; for the buckling of their knees, fearfulness; for their wrinkles, craftiness and obliquity; and other things which I have forgotten. But, to be serious, a young man is modest and shamefaced, an old man's forehead is hardened; a young man is full of bounty and mercy, an old man's heart is brawny; a young man is affected with a laudable emulation, an old man with a malignant envy; a young man is inclined to religion and devotion, by reason of his fervency and inexperience of evil, an old man cooleth in piety through the coldness of his charity, and long conversation in evil, and likewise through the difficulty of his belief; a young man's desires are vehement, an old man's moderate; a young man is light and movable, an old man more grave and constant; a young man is given to liberality, and beneficence, and humanity, an old man to covetousness, wisdom for his own self, and seeking his own ends; a young man is confident and full of hope, an old man diffident, and given to suspect most things; a young man is gentle and obsequious, an old man froward and disdainful; a young man is sincere and open-hearted, an old man cautelous and close; a young man is given to desire great things, an old man to regard things necessary; a young man thinks well of the present times, an old man preferreth times past before them; a young man reverenceth his superiors, an old man is more forward to tax them; and many other things, which pertain rather to manners than the present inquisition. Notwithstanding, old men, as in some things they improve in their bodies, so also in their minds, unless they be altogether out of date; namely, that as they are less apt for invention, so they excel in judgment, and prefer safe things, and sound things, before specious. Also, they improve in garrulity and ostentation, for they seek the fruit of speech while they are less able for action. So as it was not absurd that the poets feigned old Tython to be turned into a grasshopper.

MOVABLE CANONS OF THE DURATION OF LIFE AND FORM OF DEATH.

CANON I.

Consumption is not caused, unless that which is departed with by one body passeth into another.

THE EXPLICATION.

There is in nature no annihilating, or reducing to nothing. Therefore, that which is consumed is either resolved into air, or turned into some body adjacent. So we see a spider, or fly, or ant in amber, entombed in a more stately monument than kings are; to be laid up for eternity, although they be but tender things, and soon dissipated. But the matter is this, that there is no air by, into which they should be resolved, and the substance of the amber is so heterogeneous, that it receives nothing of them. The like we conceive would be if a stick, or root, or some such thing were buried in quicksilver; also wax, and honey, and gums, have the same operation, but in part only.

There is in every tangible body a spirit, covered and encompassed with the grosser parts of the body, and from it all consumption and dissolution hath the beginning.

THE EXPLICATION.

No body known unto us here in the upper part of the earth is without a spirit, either by attenua-

tion and concoction from the heat of the heavenly bodies, or by some other way; for the concavities of tangible things receive not vacuum, but either air, or the proper spirit of the thing. And this spirit whereof we speak, is not from virtue, or energy, or act, or a trifle, but plainly a body, rare and invisible; notwithstanding, circumscribed by place, quantitative, real. Neither, again is that spirit air, (no more than wine is water, but a body rarefied, of kin to air, though much different from it. Now, the grosser parts of bodies (being dull things, and not apt for motion would last a long time; but the spirit is that which troubleth, and plucketh, and undermineth them, and converteth the moisture of the body and whatsoever it is able to digest, into new spirit; and then as well the pre-existing spirit of the body, as that newly made, fly away together by degrees. This is best seen by the diminution of the weight in bodies dried through perspiration for neither all that which is issued forth was spirit when the body was ponderous, neither was it not spirit when it issued forth.

CANON III.

The spirit issuing forth drieth; detained and working within either melteth, or putrefieth, or vivifieth.

THE EXPLICATION.

There are four processes of the spirit; to arefaction, to colloquation, putrefaction, to generation of bodies. Arefaction is not the proper work of the spirit, but of the grosser parts after the spirit issued forth; for then they contract themselves partly by their flight of vacuum, partly by the union of the homogeneals; as appears in all things which are arefied by age, and in the drier sort of bodies which have passed the fire; as bricks, charcoal, bread. Colloquation is the mere work of the spirit; neither is it done, but when they are excited by heat; for when the spirits, dilating themselves, yet not getting forth, do insinuate and disperse themselves among the grosser parts, and so make them soft and apt to run, as it is in the metals and wax; for metals, and all tenacious things, are apt to inhibit the spirit; that being excited, it issueth not forth. Putrefaction is a mixed work of the spirits, and of the grosser parts; for the spirit (which before restrained and bridled the parts of the thing) being partly issued forth, and partly enfeebled, all things in the body do dissolve and return to their homogeneities, or (if you will) to their elements; that which was spirit in it is congregated to itself, whereby things putrefied begin to have an ill savour; the oily parts to themselves, whereby things putrefied have that slipperiness and unctuosity; the watery parts also to themselves, the dregs to themselves; whence followeth that confusion in bodies putrefied. But generation or vivification is a work also mixed of the spirit and grosser parts, but in a far different manner; for the spirit is totally detained, but it swelleth and moveth locally; and the grosser parts are not dissolved, but follow the motion of the spirit; and are, as it were, blown out by it, and extruded into divers figures, from whence cometh that generation and organization; and, therefore, vivification is always done in a matter tenacious and clammy, and again yielding and soft, that there may be both a detention of the spirit, and also a gentle cession of the parts, according as the spirit forms them. And this is seen in the matter, as well of all vegetables, as of living creatures, whether they be engendered of putrefaction, or of sperm, for in all these things there is manifestly seen a matter hard to break through, easy to yield.

In all living creatures there are two kinds of spirits: liveless spirits, such as are in bodies inanimate; and a vital spirit superadded.

THE EXPLICATION.

It was said before, that to procure long life, the body of man must be considered; first, as inanimate, and not repaired by nourishment; secondly, as animate, and repaired by nourishment. For the former, consideration gives laws touching consumption, the latter touching reparation. Therefore we must know, that there are in human flesh, bones, membranes, organs; finally, in all the parts such spirits diffused in the substance of them while they are alive, as there are in the same things (flesh, bones, membranes, and the rest) separated and dead, such as also remain in a carcass; but the vital spirit, although it ruleth them, and hath some consent with them, yet it is far differing from them, being integral, and subsisting by itself. Now, there are two special differences betwixt the liveless spirits and the vital spirits. The one, that the liveless spirits are not continued to themselves, but are, as it were, cut off and encompassed with a gross body, which intercepts them, as air is mixed with snow or froth; but the vital spirit is all continued to itself by certain conduit pipes through which it passeth, and is not totally intercepted. And this spirit is twofold also; the one branched, only passing through small pipes, and, as it were, strings, the other hath a cellar also, so as it is not only continued to itself, but also congregated in a hollow space in reasonable good quantity, according to the analogy of the body; and in that cell is the fountain of the rivulets which branch from thence. The cell is chiefly in the ventricles of the brain, which in the ignobler sort of creatures are but narrow, insomuch that the spirits in them seem scattered over their whole body, rather than celled;

as may be seen in serpents, eels, and flies, whereof every of their parts move along after they are cut asunder. Birds also leap a good while after their heads are pulled off, because they have little heads and little cells. But the nobler sort of creatures have those ventricles larger, and man the largest of all. The other difference betwixt the spirits is, that the vital spirit hath a kind of enkindling, and is like a wind or breath compounded of flame and air, as the juices of living creatures have both oil and water. And this enkindling ministereth peculiar motions and faculties; for the smoke which is inflammable, even before the flame conceived, is hot, thin, and movable, and yet it is quite another thing after it is become flame; but the enkindling of the vital spirits is by many degrees gentler than the softest flame, as of spirit of wine, or otherwise; and, besides, it is in great part mixed with an aerial substance, that it should be a mystery or miracle, both of a flammeous and aereous nature.

CANON V.

The natural actions are proper to the several parts, but it is the vital spirit that excites and sharpens them.

THE EXPLICATION.

The actions or functions which are in the several members, follow the nature of the members themselves, (attraction, retention, digestion, assimilation, separation, excretion, perspiration, even sense itself,) according to the propriety of the several organs, (the stomach, liver, heart, spleen, gall, brain, eye, ear, and the rest,) yet none of these actions would ever have been actuated but by the vigour and presence of the vital spirit, and heat thereof; as one iron would not have drawn another iron, unless it had been excited by the loadstone; nor an egg would ever have brought forth a bird, unless the substance of the hen had been actuated by the treading of the cock.

CANON VI.

The liveless spirits are next consubstantial to air; the vital spirits approach more to the substance of flame.

THE EXPLICATION.

The explication of the precedent fourth canon is also a declaration of this present canon. But yet further, from hence it is, that all fat and oily things continue long in their being. For neither doth the air much pluck them, neither do they much desire to join themselves with air. As for that conceit, it is altogether vain, that flame should be air set on fire, seeing flame and air are no less heterogeneal, than oil and water. But whereas it is said in the canon, that the vital spirits approach more to the substance of flame; it must be understood, that they do this more than the liveless spirits, not that they are more flamy than air.

CANON VII.

The spirit hath two desires, one of multiplying itself, the other of flying forth, and congregating itself with the connaturals.

THE EXPLICATION.

The canon is understood of the liveless spirits; for as for the second desire, the vital spirit doth most of all abhor flying forth of the body, for it finds no connatural here below to join withal. Perhaps it may sometimes fly to the outward parts of the body, to meet that which it loveth; but the flying forth, as I said, it abhorreth. But in the liveless spirits each of these two desires holdeth. For to the former this belongeth, every spirit seated amongst the grosser parts dwelleth unhappily; and, therefore, when it finds not a like unto itself, it doth so much the more labour to create and make a like, as being in a great solitude, and endeavour earnestly to multiply itself, and to prey upon the volatile of the grosser parts, that it may be increased in quantity. As for the second desire of flying forth, and betaking itself to the air, it is certain, that all light things (which are ever movable) do willingly go unto their likes near unto them, as a drop of water is carried to a drop, flame to flame; but much more this is done in the flying forth of spirit into the air ambient, because it is not carried to a particle like unto itself, but also as unto the globe of the connaturals. Meanwhile this is to be noted, that the going forth, and flight of the spirit into air is a redoubled action, partly out of the appetite of the spirit, partly out of the appetite of the air, for the common air is a needy thing, and receiveth all things speedily, as spirits, odours, beams, sounds, and the like.

CANON VIII.

Spirit detained, if it have no possibility of begetting new spirits, intenerateth the grosser parts.

THE EXPLICATION.

Generation of new spirit is not accomplished but upon those things which are in some degree near to the spirit, such as are humid bodies. And, therefore, if the grosser parts (amongst which the spirit converseth) be in a remote degree, although the spirit cannot convert them, yet (as much as it can) it weakeneth, and softeneth, and subdueth them, that seeing it cannot increase in quantity, yet it will dwell more at large, and live amongst good neighbours and friends. Now, this aphorism is most useful to our end, because it tendeth to the inteneration of the obstinate parts by the detention of the spirit.

CANON IX.

The inteneration of the harder parts cometh to good effect when the spirit neither flieth forth, nor begetteth new spirit.

THE EXPLICATION.

This canon solveth the knot and difficulty in the operation of intenerating by the detention of the spirit; for if the spirit not flying forth wasteth all within, there is nothing gotten to the inteneration of the parts in their subsistence, but rather they are dissolved and corrupted. Therefore, together with the detention, the spirits ought to be cooled and restrained, that they may not be too active.

The heat of the spirit, to keep the body fresh and green, ought to be robust, not eager.

THE EXPLICATION.

Also, this canon pertaineth to the solving of the knot aforesaid, but it is of a much larger extent, for it setteth down of what temperament the heat in the body ought to be for the obtaining of long life. Now, this is useful, whether the spirits be detained, or whether they be not. For, howsoever, the heat of the spirits, must be such, as it may rather turn itself upon the hard parts, than waste the soft; for the one desiccateth, the other intenerateth. Besides, the same thing is available to the well perfecting of assimilation; for such a heat doth excellently excite the faculty of assimilation, and withal doth excellently prepare the matter to be assimilated. Now, the properties of this kind of heat ought to be these. First, that it be slow, and heat not suddenly. Secondly, that it be not very intense, but moderate. Thirdly, that it be equal, not incomposed; namely, intending and remitting itself. Fourthly, that if this heat meet any thing to resist it, it be not easily suffocated or languish. The operation is exceeding subtile; but seeing it is one of the most useful, it is not to be deserted. Now, in those remedies which we propounded to invest the spirits with a robust heat, or that which we call operative, not predatory, we have in some sort satisfied this matter.

CANON XI.

The condensing of the spirits in their substance is available to long life.

THE EXPLICATION.

This canon is subordinate to the next precedent; for the spirit condensed receiveth all those four properties of heat whereof we speak; but the ways of condensing them are set down in the first of the ten operations.

CANON XII.

The spirit in great quantity hasteneth more to flying forth, and preyeth upon the body more than in small quantity.

THE EXPLICATION.

This canon is clear of itself, seeing mere quantity doth regularly increase virtue. And it is to be seen in flames, that the bigger they are the stronger they break forth, and the more speedily they consume. And, therefore, over-great plenty, or exuberance of the spirits, is altogether hurtful to long life; neither need one wish a greater store of spirits, than what is sufficient for the functions of life, and the office of a good reparation.

CANON XIII.

The spirit equally dispersed, maketh less haste to fly forth, and preyeth less upon the body, than unequally placed.

THE EXPLICATION.

Not only abundance of spirits, in respect of the whole, is hurtful to the duration of things, but also the same abundance, unevenly placed, is, in like manner, hurtful; and, therefore, the more the spirit is shred and inserted by small portions, the less it preyeth; for dissolution ever beginneth at that part where the spirit is loser. And, therefore, both exercise and frications conduce much to long life, for agitation doth finest diffuse and commix things by small portions.

CANON XIV.

The inordinate and subsultory motion of the spirits doth more hasten to going forth, and doth prey upon the body more than the constant and equal.

THE EXPLICATION.

The inanimates this canon holds for certain, for inequality is the mother of dissolution; but in animates (because not only the consumption is considered, but the reparation, and reparation proceedeth by the appetites of things, and appetite is sharpened by variety) it holdeth not rigorously; but it is so far forth to be received, that this variety be rather an alternation or interchange, than a confusion; and, as it were, constant in inconsistency.

CANON XV.

The spirit in a body of a solid composure is detained, though unwillingly.

THE EXPLICATION.

All things do abhor a solution of their continuity, but yet in proportion to their density or rarity; for the more rare the bodies be, the more do they suffer themselves to be thrust into small and narrow passages; for water will go into a passage which

dust will not go into, and air which water will not go into; nay, flame and spirit which air will not go into. Notwithstanding, of this thing there are some bounds, for the spirit is not so much transported with the desire of going forth, that it will suffer itself to be too much discontinued, or be driven into over-straight pores and passages; and, therefore, if the spirit be encompassed with a hard body, or else with an unctuous and tenacious, (which is not easily divided,) it is plainly bound, and, as I may say, imprisoned, and layeth down the appetite of going out; wherefore we see that metals and stones require a long time for their spirit to go forth, unless either the spirit be excited by the fire, or the grosser parts be dissevered with corroding and strong waters. The like reason is there of tenacious bodies, such as are gums, save only that they are melted by a more gentle heat; and therefore the juices of the body hard, a close and compact skin, and the like, (which are procured by the dryness of the aliment, and by exercise, and by the coldness of the air,) are good for long life, because they detain the spirit in close prison, that it goeth not forth.

CANON XVI.

In oily and fat things the spirit is detained willingly, though they be not tenacious.

THE EXPLICATION.

The spirit, if it be not irritated by the antipathy of the body enclosing it, nor fed by the over-much likeness of that body, nor solicited nor invited by the external body, it makes no great stir to get out; all which are wanting to oily bodies, for they are neither so pressing upon the spirits as hard bodies, nor so near as watery bodies, neither have they any good agreement with the air ambient.

CANON XVII.

The speedy flying forth of the watery humour conserves the oily the longer in his being.

THE EXPLICATION.

We said before, that the watery humours, as being consubstantial to the air, fly forth soonest; the oily later, as having small agreement with the air. Now, whereas these two humours are in most bodies, it comes to pass that the watery doth in a sort betray the oily, for that issuing forth insensibly carrieth this together with it. Therefore, there is nothing more furthereth the conservation of bodies, than a gentle drying of them, which causeth the watery humour to expire, and inviteth not the oily; for then the oily enjoyeth the proper nature. And this tendeth not only to the inhibiting of putrefaction, (though that also followeth,) but to the conservation of greenness. Hence it is, that gentle frications, and moderate exercises, causing rather perspiration than sweating, conduce much to long life.

CANON XVIII.

Air excluded conferreth to long life, if other inconveniences be avoided.

THE EXPLICATION.

We said a little before, that the flying forth of the spirit is a redoubled action, from the appetite of the spirit, and of the air; and, therefore, if either of these be taken out of the way, there is not a little gained. Notwithstanding, divers inconveniences follow hereupon, which how they may be prevented we have showed in the second of our operations.

CANON XIX.

Youthful spirits inserted into an old body, might soon turn nature's course back again.

THE EXPLICATION.

The nature of the spirits is as the uppermost wheel, which turneth about the other wheels in the body of man; and therefore in the intention f long life, that ought to be first placed. Hereunto may be added, that there is an easier and more expedite way to alter the spirits, than to other operations. For the operation upon the spirits is twofold; the one by aliments, which is slow, and as it were, about; the other, (and that twofold,) which is sudden, and goeth directly to the spirits, namely, by vapours, or by the affec-

CANON XX.

Juices of the body hard and roscid are good for long life.

THE EXPLICATION.

The reason is plain, seeing we showed before, that hard things, and oily or roscid, are hardly dissipated; notwithstanding, there is difference, (as we also noted in the tenth operation,) that juice somewhat hard is indeed less dissipable, but then it is withal less reparable; therefore, a convenience is interlaced with an inconvenience, and for this cause no wonderful matter will be achieved by this. But roscid juice will admit both operations; therefore this would be principally endeavoured.

CANON XXI.

Whatsoever is of thin parts to penetrate, and yet hath no acrimony to bite, begetteth roscid juices.

THE EXPLICATION.

This canon is more hard to practise than to understand. For it is manifest, whatsoever penetrateth well, but yet with a sting or tooth, (as do all sharp and sour things,) it leaveth behind it, wheresoever it goeth, some mark or print of dryness and cleaving, so that it hardeneth the juices, and chappeth the parts; contrarily, whatsoever things penetrate through their thinness merely,

as it were by stealth, and by way of insinuation without violence, they bedew and water in their passage. Of which sort we have recounted many in the fourth and seventh operations.

CANON XXII.

Assimilation is best done when all local motion is expended.

THE EXPLICATION.

This canon we have sufficiently explained in our discourse upon the eighth operation.

CANON XXIII.

Alimentation from without, at least some other way than by the stomach, is most profitable for long life, if it can be done.

THE EXPLICATION.

We see that all things which are done by nutrition ask a long time, but those which are done by embracing of the like (as it is in infusions) require no long time. And, therefore, alimentation from without would be of principal use; and so much the more, because the faculties of concoction decay in old age; so that if there could be some auxiliary nutritions by bathing, unctions, or else by clysters, these things in conjunction might do much, which single are less available.

CANON XXIV.

Where the concoction is weak to thrust forth the aliment, there the outward parts should be strengthened to call forth the aliment.

THE EXPLICATION.

That which is propounded in this canon, is not the same thing with the former, for it is one thing for the outward aliment to be attracted inward, another for the inward aliment to be attracted outward; yet herein they concur, that they both help the weakness of the inward concoctions, though by divers ways.

CANON XXV.

All sudden renovation of the body is wrought either by the spirit, or by malacissations.

THE EXPLICATION.

There are two things in the body, spirits and parts; to both these the way by nutrition is long and about; but it is a short way to the spirits by vapours, and by the affections, and to the parts by malacissations. But this is diligently to be noted, that by no means we confound alimentation from without with malacissation; for the intention of malacissation is not to nourish the parts, but only to make them more fit to be nourished.

CANON XXVI.

Malacissation is wrought by consubstantials, by imprinters, and by closers up.

THE EXPLICATION.

The reason is manifest, for that consubstantials do properly supple the body, imprinters do carry in, closers up do retain and bridle the perspiration, which is a motion opposite to malacissation. And, therefore, (as we described in the ninth operation,) malacissation cannot well be done at once, but in a course or order. First, by excluding the liquor by thickness; for an outward and gross infusion doth not well compact the body; that which entereth must be subtile, and a kind of vapour. Secondly, by intenerating by the consent of consubstantials: for bodies upon the touch of those things which have good agreement with them, open themselves, and relax their pores. Thirdly, imprinters are convoys, and insinuate into the parts the consubstantials, and the mixture of gentle astringents doth somewhat restrain the perspiration. But then, in the fourth place, follows that great astriction and closure up of the body by emplasteration, and then afterwards by inunction, until the supple be turned into solid, as we said in the proper place.

CANON XXVII.

Frequent renovation of the parts reparable, watereth and reneweth the less reparable also.

THE EXPLICATION.

We said in the preface to this history, that the way of death was this, that the parts reparable died in the fellowship of the parts less reparable; so that in the reparation of these same less reparable parts, all our forces would be employed. And, therefore, being admonished by Aristotle's observation touching plants, namely, that the putting forth of new shoots and branches refresheth the body of the tree in the passage; we conceive the like reason might be, if the flesh and blood in the body of man were often renewed, that thereby the bones themselves, and membranes, and other parts, which in their own nature are less reparable, partly by the cheerful passage of the juices, partly by that new clothing of the young flesh and blood, might be watered and renewed.

CANON XXVIII.

Refrigeration, or cooling of the body, which passeth some other ways than by the stomach, is useful for long life.

THE EXPLICATION.

The reason is at hand; for seeing a refrigeration not temperate, but powerful, (especially of the blood,) is above all things necessary to long life; this can by no means be effected from within as

much as is requisite, without the destruction of the stomach and bowels.

CANON XXIX.

That intermixing, or entangling, that as well consumption as reparation are the works of heat, is the greatest obstacle to long life.

THE EXPLICATION.

Almost all great works are destroyed by the natures of things intermixed, when as that which helpeth in one respect, hurteth in another; therefore men must proceed herein by a sound judgment, and a discreet practice. For our part, we have done so far as the matter will bear, and our memory serveth us, by separating benign heats from hurtful, and the remedies which tend to both.

CANON XXX.

Curing of diseases is effected by temporary medicines; but lengthening of life requireth observation of diets.

THE EXPLICATION.

Those things which come by accident, as soon as the causes are removed, cease again: but the continual course of nature, like a running river, requires a continual rowing and sailing against the stream, therefore we must work regularly by diets. Now, diets are of two kinds; set diets, which are to be observed at certain times, and familiar diet, which is to be admitted into our daily repast. But the set diets are the more potent, that is, a course of medicines for a time; for those things which are of so great virtue that they are able to turn nature back again, are, for the most part, more strong, and more speedily altering, than those which may without danger be received into a continual use. Now, in the remedies set down in our intentions, you shall find only three set diets, the opiate diet, the diet malacissant or supplying, and the diet emaciant and renewing. But amongst those which we prescribed for familiar diet, and to be used daily, the most efficacious are these that follow, which also come not far short of the virtue of set diets. Nitre, and the subordinates to nitre; the regiment of the affections, and course of our life; refrigerators which pass not by the stomach; drinks roseidating, or engendering oily juices; besprinkling of the blood with some firmer matter, as pearls, certain woods, competent unctions to keep out the air and to keep in the spirit. Heaters from without, during the assimilation after sleep; avoiding of those things which inflame the spirit, and put it into an eager heat, as wine and spices. Lastly, a moderate and seasonable use of those things which endue the spirits with a robust heat, as saffron, crosses, garlic, elecampane, and compound opiates.

CANON XXXI.

The living spirit is instantly extinguished, if it be deprived either of motion, or of refrigeration, or of aliment.

THE EXPLICATION.

Namely, these are those three which before we called the porches of death, and they are the proper and immediate passions of the spirit. For all the organs of the principal parts serve hereunto, that these three offices be performed; and again, all destruction of the organs which is deadly brings the matter to this point, that one or more of these three fail. Therefore all other things are the divers ways to death, but they end in these three. Now, the whole fabric of the parts is the organ of the spirit, as the spirit is the organ of the reasonable soul, which is incorporeous and divine.

CANON XXXII.

Flame is a momentary substance, air a fixed; the living spirit in creatures is of a middle nature.

THE EXPLICATION.

This matter stands in need both of a higher indagation, and of a longer explication than is pertinent to the present inquisition. Meanwhile we must know this, that flame is almost every moment generated and extinguished; so that it is continued only by succession; but air is a fixed body, and is not dissolved; for though air begets new air out of watery moisture, yet, notwithstanding, the old air still remains; whence cometh that superoneration of the air whereof we have spoken in the title De Ventis. But spirit is participant of both natures, both of flame and air, even as the nourishments thereof are, as well oil, which is homogeneous to flame, as water, which is homogeneous to air; for the spirit is not nourished either of oily alone, or of watery alone, but of both together; and though air doth not agree well with flame, nor oil with water, yet in a mixed body they agree well enough. Also the spirit hath from the air his easy and delicate impressions and yieldings, and from the flame his noble and potent motions and activities. In like manner the duration of spirit is a mixed thing, being neither so momentary as that of flame, nor so fixed as that of air. And so much the rather it followeth not the condition of flame, for that flame itself is extinguished by accident, namely, by contraries, and enemies environing it; but spirit is not subject to the like conditions and necessities. Now, the spirit is repaired from the lively and florid blood of the small arteries which are inserted into the brain; but this reparation is done by a peculiar manner, of which we speak not now.

END OF THIRD PART OF THE INSTAURATIO.

THE FOURTH PART

OF THE GREAT INSTAURATION.

SCALING LADDER OF THE INTELLECT; OR, THREAD OF THE LABYRINTH.

It would be difficult to find fault with those who affirm that "nothing is known," if they had tempered the rigour of their decision by a softening explanation. For, should any one contend, that science rightly interpreted is a knowledge of things through their causes, and that the knowledge of causes constantly expands, and by gradual and successive concatenation rises, as it were, to the very loftiest parts of nature, so that the knowledge of particular existences cannot be properly possessed without an accurate comprehension of the whole of things; it is not easy to discover, what can reasonably be observed in reply. For it is not reasonable to allege, that the true knowledge of any thing is to be attained before the mind has a correct conception of its causes: and to claim for human nature such a correct conception universally, might justly be pronounced perhaps not a little rash, or rather the proof of an ill-balanced mind. They, however, of whom we are writing, shrink not from thus desecrating the oracles of the senses, which must lead to a total recklessness. Nay, to speak the truth, had they even spared their false accusations, the very controversy itself appears to originate in an unreasonable and contentious spirit; since, independently of that rigid truth to which they refer, there still remains such a wide field for human exertion, that it would be preposterous, if not symptomatic of an unsettled and disturbed intellect, in the anxious grasping at distant extremes, to overlook such utilities as are obvious and near at hand. For, however they may seek, by introducing their distinction of true and probable, to subvert the certainty of science, without at the same time superseding the use or practically affecting the pursuit of it, yet, in destroying the hope of effectually investigating truth, they have cut the very sinews of human industry, and by a promiscuous license of disquisition converted what should have been the labour of discovery, into a mere exercise of talent and disputation.

We cannot, however, deny, that if there be any fellowship between the ancients and ourselves, it is principally as connected with this species of philosophy: as we concur in many things which they have judiciously observed and stated about the varying nature of the senses, the weakness of human judgment, and the propriety of withholding or suspending assent; to which we might add innumerable other remarks of a similar tendency. So that the only difference between them and ourselves is, that they affirm "nothing can be perfectly known by any method whatever; we, that "nothing can be perfectly known by the methods which mankind have hitherto pursued." Of this fellowship we are not at all ashamed. For the aggregate, if it consists not of those alone who lay down the above-mentioned dogma as their peremptory and unchangeable opinion, but of such also as indirectly maintain it under the forms of objection and interrogatory, or by their indignant complaints about the obscurity of things, confess, and, as it were, proclaim it aloud, or suffer it only to transpire from their secret thoughts in occasional and ambiguous whispers; the *aggregate, I say, comprises,* you will find, the far most illustrious and profound of the ancient thinkers, with whom no modern need blush to be associated; a few of them may, perhaps, too magisterially have assumed to decide the matter, yet this tone of authority prevailed only during the late dark ages, and now maintains its ground simply through a spirit of party, the inveteracy of habit, or mere carelessness and neglect.

Yet, in the fellowship here spoken of, it is easy to discover that, agreeing as we do with the great men alluded to, as to the premises of our opinions, in our conclusions we differ from them most widely. Our discrepancies may, indeed, at first sight, appear to be but inconsiderable; they asserting the absolute, and we the modified incompetency of the human intellect; but the practical result is this, that as they neither point out, nor, in fact, profess to expect any remedy for the

defect in question, they wholly give up the business; and thus, by denying the certainty of the senses, pluck up science from its very foundation; whereas, we, by the introduction of a new method, endeavour to regulate and correct the aberrations both of the senses and of the intellect. The consequence is, that they, thinking the die finally cast, turn aside to the uncontrolled and fascinating ramblings of genius; while we, by our different view of the subject, are constrained to enter upon an arduous and distant province, which we unceasingly pray we may administer to the advantage and happiness of mankind. The introductory part of our progress we described in our second book, which, having entered, in the third we treated on the phenomena of the universe, and on history, plunging into and traversing the woodlands, as it were, of nature, here overshadowed (as by foliage) with the infinite variety of experiments; there perplexed and entangled (as by thorns and briers) with the subtilty of acute commentations.

And now, perhaps, by our advance from the woods to the foot of the mountains, we have reached a more disengaged, but yet a more arduous station. For, from history we shall proceed by a firm and sure track, new indeed, and hitherto unexplored, to universals. To these paths of contemplation, in truth, might appositely be applied the celebrated and often quoted illustration of the "double road of active life," of which one branch, at first even and level, conducted the traveller to places precipitous and impassable; the other, though steep and rough at the entrance, terminated in perfect smoothness. In a similar manner, he who, in the very outset of his inquiries, lays firm hold of certain fixed principles in the science, and, with immovable reliance upon them, disentangles (as he will with little effort) what he handles, if he advances steadily onward, not flinching out of excess either of self-confidence or of self-distrust from the object of his pursuit, will find he is journeying in the first of these two tracks; and if he can endure to suspend his judgment, and to mount gradually, and to climb by regular succession the height of things, like so many tops of mountains, with persevering and indefatigable patience, he will in due time attain the very uppermost elevations of nature, where his station will be serene, his prospects delightful, and his descent to all the practical arts by a gentle slope perfectly easy.

It is therefore, our purpose, as in the second book we laid down the precepts of genuine and legitimate disquisition, so in this to propound and establish, with reference to the variety of subjects, illustrative examples; and that in the form which we think most agreeable to truth, and regard as approved and authorized. Yet, we do not alter the customary fashion, as well to all the constituent parts of this formula on absolute necessity, as if they were universally indispensable and inviolable: for we do not hold, that the industry and the happiness of man are to be indissolubly bound, as it were, to a single pillar. Nothing, indeed, need prevent those who possess great leisure, or have surmounted the difficulties infallibly encountered in the beginning of the experiment, from carrying onward the process here pointed out. On the contrary, it is our firm conviction that true art is always capable of advancing."

F. W.

THE FIFTH PART

OF THE GREAT INSTAURATION.

PRECURSORS; OR, ANTICIPATIONS OF THE SECOND PHILOSOPHY.

THAT person, in our judgment, showed at once both his patriotism and his discretion, who, when he was asked, "whether he had given to his fellow-citizens the best code of laws," replied, "the best which they could bear." And, certainly, those who are not satisfied with merely thinking rightly, (which is little better, indeed, than dreaming rightly, if they do not labour to realize and effectuate the object of their meditations,) will pursue not what may be abstractedly the best, but the best of such things as appear most likely to be approved. We, however, do not feel ourselves privileged, notwithstanding our great affection for the human commonwealth, our common country, to adopt this legislatorial principle of selection; for we have no authority arbitrarily to prescribe laws to man's intellect, or the general nature of things. It is our office, as faithful secretaries, to receive and note down as such have been enacted by the voice of nature herself; and our trustiness must stand acquitted, whether they are accepted, or by the suffrage of general opinions rejected. Still we do not abandon the hope, that, in times yet to come, individuals may arise who will both be able to comprehend and digest the choicest of those things, and solicitous also to carry them to perfection; and, with this confidence, we will never, by God's help, desist (so long as we live) from directing our attention thitherward, and opening their fountains and uses, and investigating the lines of the roads leading to them.

Yet, anxious as we are with respect to the subjects of general interest and common concern in aspiring to the greater, we do not condemn the inferior, for those are frequently at a distance, while these are at hand and around us, nor though we offer (as we think) more valuable things, do we therefore put our veto upon things received and ancient, or seek to cover their estimation with the multitude. On the contrary, we earnestly wish them to be amplified and improved, and held in increased regard; as it is no part of our ambition to withdraw men, either all, or altogether, or all at once, from what is established and current. But as an arrow, or other missile, while carried directly onward, still, nevertheless, during its progress incessantly whirls about in rapid rotation; so we, while hurrying forward to more distant objects, are carried round and round by these popular and prevalent opinions. And, therefore, we do not hesitate to avail ourselves of the fair services of this common reason and these popular proofs; and shall place whatever conclusions have been discovered or decided through their medium (which may, indeed, have much of truth and utility in them) on an equal footing with the rest; at the same time protesting against any inferences thence to be drawn in derogation of what we have above stated about the incompetency of both this reason and of these proofs. We have rather, in fact, thrown out the preceding hints, as it were, occasionally, for the sake of such as, feeling their progress impeded by an actual want either of talent or of leisure, wish to confine themselves within the ancient tracts and precincts of science, or, at least, not to venture beyond their immediately contiguous domains; since we conceive that the same speculations may (like tents or resting-places on the way) minister ease and rest to such as, in pursuance of our plan, seek the true interpretation of nature, and find it; and may, at the same time, in some slight degree, promote the welfare of man, and infuse into his mind ideas somewhat more closely connected with the true nature of things. This result, however, we are far from anticipating in confidence of any faculty which we ourselves possess, but we entertain no doubt that any one even of moderate abilities, yet ripened mind, who is both willing and able to lay aside his idols, and to institute his inquiries anew, and to investigate with attention, perseverance, and freedom from prejudice, the truths and computations of natural history, will, of himself, by his genuine and native powers, and by his own simple anti-

cipations penetrate more profoundly into nature than he would be capable of doing by the most extensive course of reading, by indefinite abstract speculations, or by continual and repeated disputations; though he may not have brought the ordinary engines into action, or have adopted the prescribed formula of interpretation.

In this, however, we do not wish to be considered as demanding for our own dogma the authority which we have withheld from those of the ancients. We would rather, indeed, testify and proclaim, that we are far from wishing to be ourselves peremptorily bound by what we are about to bring forward, of whatever character it may be, to the maintenance of the whole of our secondary and inductive philosophy. This result of our meditations we have determined to offer loosely, and unconfined by the circumscription of method; deeming this a form both better adapted to sciences newly springing up as from an old stock, and more suitable to a writer whose present object it is not to constitute an art from combined, but to institute a free investigation of individual existences. F. W.

MISCELLANEOUS TRACTS.

[TRANSLATED FROM THE LATIN.]

OF THE EBB AND FLOW OF THE SEA.

The investigation of the causes of the ebb and flow of the sea, attempted by the ancients and then neglected, resumed by the moderns, but rather frittered away than vigorously agitated in variety of opinions, is generally, with a hasty anticipation, directed to the moon, because of certain correspondences between that motion, and the motion of that orb. But to a careful inquirer certain traces of the truth are apparent, which may lead to surer conclusions. Wherefore, to proceed without confusion, we must first distinguish the motions of the sea, which, though thoughtlessly enough multiplied by some, are in reality found to be only five; of these one alone is eccentric, the rest regular. We may mention first the wandering and various motions of what are called currents: the second is the great six-hours motion of the sea, by which the waters alternately advance to the shore, and retire twice a day, not with exact precision, but with a variation, constituting monthly periods. The third is the monthly motion itself, which is nothing but a cycle of the diurnal motion periodically recurring: the fourth is the half-monthly motion, formed by the increase of the tides at new and full moon, more than at half-moon: the fifth is the motion, once in six months, by which, at the equinoxes, the tides are increased in a more marked and signal manner.

It is the second, the great six-hours or diurnal motion, which we propose for the present as the principal subject and aim of our discourse, treating of the others only incidentally and so far as they contribute to the explanation of that motion.

First, then, as relates to the motion of currents, there is no doubt that to form it the waters are either confined by narrow passages, or liberated by open spaces, or hasten as with relaxed rein, down declivities, or rush against and ascend elevations, or glide along a smooth, level bottom, or are ruffled by furrows and irregularities in the channel, or fall into other currents, or mix with them and become subject to the same influences, or are affected by the annual or trade winds, which return at regular periods of the year. That in consequence of these and similar causes, they vary their states of flow and eddy, both as relates to extending and widening the motion itself, and to the velocity and measure of the motion; and thus produce what we term currents. Thus, in the seas the depth of the basin or channel, the occurrence of whirlpools or submarine rocks, the curvature of the shore, gulfs, bays, the various position of islands, and the like, have great effect, acting powerfully on the waters, their paths, and agitations in all possible directions, eastward and westward, and in like manner northward and southward; wherever, in fact, such obstacles, open spaces, and declivities exist in their respective formations. Let us then set aside this particular, and, so to speak, casual motion of the waters, lest it should introduce confusion in the inquisition which we now pursue. For no one can raise and support a denial of the statement which we are presently to make, concerning the natural and *catholic* motions of the seas, by opposing to it this motion of the currents, as not at all consistent with our positions. For the currents are mere compressions of the water, or extrications of it from compression: and are, as as we have said, partial, and relative to the local form of the land or water, or the action of the winds. And what we have said is the more necessary to be recollected and carefully noted, because that universal movement of the ocean of which we now treat is so gentle and slight, as to be entirely overcome by the impulse of the currents, to fall into their order, and to give way, be agitated, and mastered by their violence. That this is the case is manifest particularly from this fact, that the motion of ebb and flow, simply, is not perceptible in midsea, especially in seas broad and vast, but only at the shores. It is, therefore, not at all surprising, that, as inferior in force, it disappears, and is as it were annihilated amidst the currents; except that where the currents are favourable, it lends them some aid and impetuosity, and, on the contrary, where they

are adverse considerably restrains them. Waiving then the motion of the currents, we proceed to the four regular motions; that in the six hours, in the month, in the half month, and in six months, of which the sexhorary motion alone seems to produce and develope the ordinary tide, the monthly to determine that motion and define its renewal; the half-monthly and half-yearly to increase and strengthen it. For the ebb and flow, which cover and quit again a certain extent of shore, both vary at various hours, and according to the momentum and quantity of the water; whence these three other motions are rendered more perceptible.

We must, therefore, contemplate, singly and specifically, as we purposed, the motion of ebb and flow. And, first, it is necessary to grant that this motion, the subject of inquiry, is one of these two: either the motion of an *elevation* and *depression*, or the motion of a *progression* of the waters. The motion of elevation and depression we understand to be such, as is found in boiling water, mounting and subsiding alternately in a caldron: the motion of progression to be such as is observed in water carried in a basin, which quitting the one side, is projected to the opposite. Now, that the motion we treat of is not of the former sort, is in the first place suggested by this fact, that in different parts of the world the tides vary according to the times, so that in certain places there are floods and accumulations of the mass of waters, in others at the same hours ebb and diminutions. Now, the waters, if they did not travel from place to place, but rose ebullient from the bottom, ought to rise everywhere at once, and to subside together. For we see those two other motions, the monthly and half monthly, in full movement and operation at the same periods throughout the globe. For the waves increase at the equinoxes in all parts, not in certain places under the equator, or in others under the tropics: and the same is true of the half-monthly motion. For, everywhere over the world, the waters are elevated at new moon and full moon, nowhere at half-moon. The waters, therefore, are manifestly raised, and again depressed in these two motions, and like the heavenly bodies have their apogees and perigees. But in the ebb and flow of the sea, which we now discuss, the contrary takes place, an unequivocal sign of progressive motion. Besides, ere we set down the flow of the sea as an elevation of the waters, we ought to consider a little more carefully how that elevation can take place. For the swelling must either be produced by an augmentation of the mass of waters, or from an extension or rarefaction of fluid in that mass, or from simple elevation of the mass or body. The third supposition we must dismiss entirely. For if the water united in the same body were lifted up, a vacuum would necessarily be left between the earth and the under face of the water, there being no body ready to succeed and supply its place. If there were a fresh quantity of water added, it must be by flowing and eruption from the earth. If there were dilatation only, this must take place either by solution into greater rarity, or by a tendency to approach another body, which, as it were, evokes the waters, attracts them, and lifts them to greater elevation. And, doubtless, that state of the waters, whether considered as ebullition, or rarefaction, or harmony with some one or other of the heavenly bodies, cannot seem incredible, that is, to a moderate extent, and on the supposition of the lapse of considerable time, in which such swellings and accretions may gather and accumulate. Therefore the difference observable between the ordinary, and the half-monthly tide, or the most copious of all, the half-yearly one, in which the addition to the mass of waters is not equal to the difference between ordinary ebb and flow, and has besides a large interval of time insensibly to form, may, on the hypothesis of *elevation* and *depression*, be consistently explained. But that so great a mass of water should burst forth as to explain that difference which is found between the ebb and flow, and that this should take place with such extreme rapidity, namely, twice a day, as if the earth, according to the fantastic notion of Apollonius, performed respiration, and breathed waters every six hours, and then again inhaled them, is very hard to believe. And let no man be misled by the unimportant fact that in some places wells are said to have a simultaneous motion with the ebb and flow of the sea, whence one might conjecture, that waters enclosed in the entrails of the earth boil up in like manner, in which case that swelling of the waters cannot be attributed to a progressive motion. For the answer is an easy one, that the flow of the sea by its encroachment may perforate and gorge many hollow and loose places of the earth, turn the course of subterraneous waters, or cause a reverberation of the enclosed air, which by a continued series of impulsions may raise the water in this sort of wells. Accordingly, this does not take place in all wells, nor even in many, which ought to be the case if the entire mass of waters had a property of periodically boiling up, and a harmony with the tide. But, on the contrary, this rarely happens, so as to be regarded almost as a miracle, because, in fact, such apertures and spiracles as reach from wells to the sea, without circuity or impediment, are very rarely found; nor is it unimportant to mention, what some relate, that in deep pits situated not far from the sea, the air becomes thick and suffocating at the time of ebb, from which it may seem manifest, not that the waters boil up, (for none are seen to do so,) but that the air is reverberated. No doubt, there is another objection, not despicable, but of great weight, every way deserving of an answer, one which had been the subject of careful observation,

and that not incidentally, but a thing especially and of purpose inquired into and discovered, namely, that the water at the opposite shores of Europe and of Florida ebb at the same hours from both shores, and do not quit the shore of Europe when they roll to the shore of Florida, like water (as we have said before) agitated in a basin, but are manifestly raised and depressed at either shore at once. But a clear solution of this objection will be seen in the observations which shall presently be made about the path and progression of the ocean; the substance, however, is this; that the waters, setting out in their course from the Indian ocean, and obstructed by the remora of the continents of the old and new world, are impelled along the Atlantic from south to north; so that it is no wonder if they are driven against either shore equally at the same time, as waters are wont to be, which are propelled from the sea into estuaries and up the channels of rivers, evidently showing that the motion of the sea is progressive as respects the rivers, and yet that it at once inundates both shores. Notwithstanding, according to our custom we freely confess, and would have men observe and remember, that if it is found in experience that the tide advances at the same time on the coast of China and Peru, as on that of Europe and Florida, this our opinion, that ebb and flow is a progressive motion of the sea, must be repudiated.

For if the flow of the sea takes place at the same time at the opposite shores, as well of the Pacific or Southern Ocean as of the Atlantic Ocean, there are not in the universe any shores remaining, at which a corresponding ebb, at the same time, might afford a satisfactory solution of the objection. But we propose with confidence of a trial of this by experiment, to whose test we submit our cause: for we are clearly of opinion, that were the general result of a trial of this fact through the world known to us, this compact of nature would be found effected on sufficiently reciprocal conditions, namely, that at any given hour as much reflux took place in some parts of the world as flow in others. Therefore, from what we have stated, this motion of ebb and flow may be affirmed progressive.

Now follows the inquiry, from what cause and what combination of things this motion of ebb and flow arises and is presented to view. For all the great movements (if these be regular and perpetual) are not isolated, or (to use here an expression of the astronomers) *ferine*, but have something in nature with which they move harmoniously. Therefore those motions, as well as the half-monthly one of increase as the monthly of reparation, appear to accord with the motion of the moon; and again the half-monthly, or equinoctial, with the motion of the sun; also the elevations and depressions of the waters with the approximation and revolution in the orbits of the heavenly bodies. Notwithstanding, it will not immediately follow from this, and we would have men note the observation, that those things which agree in their periods and curriculum of time, or even in their mode of relation, are of a nature subjected the one to the other, and stand respectively as cause and effect. Thus we do not go so far as to affirm, that the motions of the sun ought to be set down as the causes of the inferior motions which are analogous to them; or that the sun and moon (as is commonly said) have dominion over these motions of the sea, although such notions are easily insinuated into our minds from veneration of the heavenly bodies; but in that very half-monthly motion, if it be rightly noted, it were a new and surprising kind of subjection to influence, that the tides at new and at full moon should be affected in the same manner, when the moon is affected in contrary ways; and many other things might be instanced, destroying similar fancies of this sort of dominant influence, and leading to this inference, that those correspondences arise from the catholic affections of matter, from the primary concatenation of causes, and connexion of things; not as if such were governed the one by the other, but both flowed from the same sources and from joint causes. Notwithstanding this, however, it remains true, as we have said, that nature delights in harmony, and scarcely admits of any thing isolated or solitary. We must therefore look, in treating of the sexhorary ebb and flow of the sea, with what other motions it is found to agree and harmonize. And first we must inquire with respect to the moon, in what manner that motion blends relations or natures with the moon. But this we do not see prevail except in the monthly repairing of the moon, for the periodical course of six hours has no affinity with the monthly course; nor again are the tides found to follow any affections of the moon. For, whether the moon be crescent or waning, whether she be under the earth or above the earth, whether her elevation above the horizon be higher or lower, whether her position be in the zenith or elsewhere, in none of these relations do the ebb and flow of the tide correspond with her.

Therefore, leaving the moon, let us inquire concerning other correspondences; and from all the motions of the heavenly bodies, it is certain that the diurnal motion is the shortest, and is accomplished in the least period of time, that is, in the space of twenty-four hours. It is therefore in harmony with this, that the motion of which we inquire, which is yet three times shorter than the diurnal one, should be referred immediately to that motion which is the shortest of the heavenly ones. But this notion has no great weight with us in this matter. Another hypothesis has more influence with us, that this motion is so distributed, that, though the motion of the waters is slower by innumerable degrees, still it

is referable to a common measure. For the space of six hours is a quarter of the diurnal motion, which space (as we said) is found in that motion of the sea, with a difference coinciding with the measure of the moon's motion. Whereupon this belief sinks deep into our mind, and looks as it were an oracular truth, that this motion is of the same kind with the diurnal motion. With this, therefore, as a basis, we shall proceed to a thorough inquiry: and we think that the whole subject is exhausted in three points of investigation.

The first is, whether that diurnal motion is confined within the regions of heaven, or descends, and penetrates to the lower parts? The second is, whether the seas move regularly from east to west, as the heaven does? The third, whence and how that six hours' motion of the tides takes place which coincides with a quarter of the diurnal motion, with a difference falling in with the measure of the moon's motion. Now, as relates to the first inquiry, we think that the motion of rotation, or of turning from east to west, is not properly a motion merely of the heavenly bodies, but manifestly of the universe, and a primary motion in all the great fluids, found to prevail from the highest part of heaven to the lowest part of the waters, in direction the same in all, in impulse, that is, in rapidity and slowness, widely different; in such wise, however, that in an order not in the least confused, the rapidity is diminished in proportion as the bodies approach the globe of the earth. Now this, it seems, may be taken as a probable reason for supposing that that motion is not limited to the heavens, because it prevails and is in force through so great a depth of heaven as lies between the starry heaven and the moon, (a space much more extensive than that between the moon and the earth,) with a regular diminution; so that it is probable that nature does not at any point abruptly break off a harmonious motion of this kind, diffused through such vast spheres and gradually lessening. And that this is so in the heavenly bodies is evinced by two inconsistencies, which follow from the opposite hypothesis. For, since the planets visibly perform a diurnal motion, unless we are to suppose that motion natural and self-moved in all the planets, we must unavoidably have recourse for an explanation either to the supposition of the primum mobile, which is evidently opposed to nature; or to the rotation of the earth, which is a notion extravagant enough, if we look to the methods of nature. Therefore, the motion exists in the heavenly bodies. And, quitting heaven, that motion is most distinctly visible in the inferior comets; which, though lower than the orb of the moon, evidently move from east to west. For, though they have their solitary and eccentric motions, yet in performing them they for a time have a common movement, and are borne along with the motion of the ether, and with the same conversion: but in the tropics they are not generally so confined, nor move in the regular course, but sometimes straggle towards the poles, yet, nevertheless, pursue their rotatory motion from east to west. And thus this motion, though it suffers great diminution, since the nearer it descends towards earth the conversion is performed in smaller circles, and more slowly, still remains powerful, so as to traverse great distances in a short time. For these comets are carried round the whole circumference, both of the earth and the lower atmosphere, in the space of twenty-four hours, with an excess of one or two hours more. But after, by a continued descent, it has reached these regions upon which the earth acts, this motion, not only by the communication of the earth's nature and influence, which represses and lowers circular motion, but also by a substantial immission of the particles of its matter, by means of vapours and gross exhalations, becomes infinitely relaxed, and almost falls off, yet it is not therefore wholly annihilated or ceases, but remains feeble and verging to imperceptible. For mariners now begin to confess that between the tropics, where, in the open sea, the motion of the air is best perceived; and where the air itself, as well as heaven, revolves in a larger circle, and therefore more rapidly, that a perennial and gentle breeze blows from east to west, insomuch that those who wish to use the south-west wind often seek and avail themselves of it outside the tropics. Consequently, this motion is not extinguished, but becomes languid and obscure, so as to be scarcely perceptible outside the tropics. Yet, even outside the tropics, in our own part of the globe, Europe, at sea, in serene and peaceful weather, there is observed a certain wind, which is of the same species; we may even conjecture that what we experience here in Europe, where the east wind is sharp and dry, and, on the contrary, the south-west winds are cherishing and humid, does not depend merely on the circumstance that the one blows from a continent, the other from the ocean, but on this, that the breath of the east wind, since it is in the same train with the proper motion of the air, accelerates and heightens that motion, and therefore disperses and rarefies the air, but that of the west wind, which is in the contrary direction to the motion of the air, makes it rebound upon itself, and become inspissated. Nor ought this to be neglected, which is admitted into the number of common observations, that the clouds which are in motion in the upper part of the air generally move from east to west; while the winds about the earth's surface generally blow at the same time the contrary way. And if they do not this always, the reason is this, that there are sometimes opposite winds, some acting on the high, others on the lowest exhalations. Now, those blowing on high, if they be adverse, confound the real motion of the

air. It is sufficiently clear, then, that the motion is not confined within the limits of heaven.

Then follows in order the second inquisition: whether the waters move regularly from east to west. Now, when we speak of waters, we mean those accumulations or masses of waters which are such large portions of nature as to have a relation of harmony to the fabric and system of the universe. And we are fully of opinion that the same motion is natural to, and inherent in, the body of waters, but is slower than in the air; though, on account of the grossness of the body, it is more palpable and manifest. Of this we shall content ourselves with three selected from many experimental proofs, but these weighty and marked ones, which prove that this is so.

The first is, that there is found a manifest motion and flow of waters from the Indian Ocean, even to the Atlantic, and that more swift and strong towards the Straits of Magellan, when an outlet is opened to them westwards; and a great current also on the other side of the world from the Northern Ocean to the British Sea. And these currents of waters manifestly roll from east to west; in which fact we must note in the first place, that in those two places alone the seas find thoroughfares, and can describe in flowing a complete circle: whereas, on the contrary, at the central regions of the globe, by the two ramparts of the old and new world, they are thrown off and driven (as it were into the estuaries of rivers) into the basins of the Atlantic and Pacific, the two oceans extending between the south and north, and open to the motion of a current from east to west. So that the true course of the waters is most safely inferred from the extremities of the globe, as we have stated, where they meet with no impediment, but sweep round in full circuit. And the first experiment is thus, the second is the following.

Let us suppose that the tide takes place at the mouth of the Straits of Gibraltar at any given hour: it is certain that the tide sets in at Cape St. Vincent later in the day than at the mouth of the Straits—at Cape Finisterre later than at Cape St. Vincent,—at King's Island later than at Cape Finisterre,—at the Island Heek later than at King's Island,—at the entrance of the English channel later than at Heek,—at the shore of Normandy later than at the entrance of the channel. Thus far in regular order: but at Graveling, as if by an entire inversion of the order, and that with a great leap, as it were, at the same hour, with a velocity like that which it has at the mouth of the Straits of Gibraltar. This second observation we apply to, and compare with the first. For we think, as has already been said, that in the Indian and northern oceans the true currents of the waters, that is, from the east to the west, are open and unimpeded, but in the channels of the Atlantic and Southern Oceans imprisoned and crossing, and reverberated by the interposition of lands, which extend both ways longitudinally from south to north; and nowhere but toward their extremities afford a free canal to the waters. But that strong direction of the waters, which is caused by the Indian Ocean towards the north, and in the opposite direction from the North Sea towards the South, differ infinitely in the extent of sea, affected on account of the different force and quantity of waters. But that this should take place is unavoidable. For the two great islands of the old and new world have the same figures, and are so stretched out as to broaden to the north, and taper to the south. The seas, therefore, on the contrary, towards the south occupy a vast space, but to the north a small one, at the back of Asia, Africa, and America; consequently, that great mass of waters which is discharged from the Indian Ocean, and is refracted into the Atlantic, is capable of forcing or propelling the course of the waters in a continued movement nearly to the British Sea, which is a part of the line described northwards. But that much smaller portion of the waters which issues from the north sea, and which has also a free passage westwards at the back of America, is not strong enough to turn the course of the waters southwards, except towards that point which we mentioned, namely, about the British Sea. Now, in these opposite currents, there must be some goal where they meet and contend, and where within short space the order of advance is suddenly changed, as we have said occurs about Graveling—the focus of the currents from the Indian and Northern Oceans, and that a certain ocean stream is formed by opposite currents on the coast of Holland has been noted by numbers, not only from the inversion of the hour of the tide, which we have stated, but also from the peculiar visible effect. Now, if this is so, we return to the position, that it must needs be, that in proportion as the parts and shores of the Atlantic extend southwards and approach the Indian Sea, in the same proportion the tide is prior, and early in the order of approach, and in proportion as you go northwards, (as far as their common goal,) where they are forced back by the antagonist stream of the Northern Ocean, they are backward and late. Now, that this is the case, the observation of the progression from the Straits of Gibraltar to the British Sea manifestly proves. Wherefore we think that the tide about the shores of Africa is at an earlier hour than that of the Straits of Gibraltar, and, in reversed order, the tide about Norway earlier than the tide about Sweden—but this we have not ascertained by experiment or testimony.

A third experiment is the following: The seas confined by land on one side, which we call bays, if they stretch out with any inclination from east to west, which is in the same line of impetus with the true motion of the waters, have heavy

and powerful tides; but if in the opposite direction, weak and scarcely perceptible. For the Red Sea hath a considerable tide; and the Persian Gulf, with a yet more entire westward direction, a still stronger. But the Mediterranean, the greatest of all gulfs, and its parts, the Tuscan, Pontic, and Propontic Seas, and in like manner the Baltic, all which tend eastward, are almost destitute of tide, or have only languid ones. But this difference is most conspicuous in certain parts of the Mediterranean, which, so long as they tend eastwards or turn towards the north, as in the Tuscan Sea and the others we have mentioned, are pacific and without much tide. But, after getting a westerly direction, which takes place in the Adriatic, it requires a remarkably large tide. To which we may also add this, that in the Mediterranean the slight reflux which is found begins from the ocean, the flow from the opposite direction, so that the water follows rather a course from the east than the natural refluence of the ocean. The three instances only we shall use for the present, in reference to this second inquiry.

There may be added to these another species of proof, agreeing with those already advanced, but of a more difficult nature. It is this: that an argument may be sought for proof of this motion from east to west, not only from the consenting motion of the heavens, of which we have already spoken,—where this motion is, as it were, in full flower and strength,—but also from the earth when it seems wholly to cease; so that it is really a direction of the universe, and pervades all things from the zenith to the interior parts of the earth. Now, we apprehend that this conversion takes place from east to west (as in reality it is found to do) upon the south and north poles. And Gilbertus has, with great care and accuracy, accomplished for us this discovery, that the whole earth and nature, so far as we call it terrestrial, have an inclination or popularity not softened down, but rigid, and, as Gilbertus himself calls it, robust, latent, but betraying itself in many nice experiments towards the north and south. And this observation we thus modify and correct, that this ought to be asserted only of the exterior formation about the surface of the earth, and ought not to be extended to the bowels of the earth; for that the earth is a magnet was at one time conceived,—a light imagination,—for it cannot be that the inward parts of the earth resemble any substance which the eye of man hath seen; since all the substances among which we live are loosened, subdued, or broken up by the sun and heavenly bodies, so that they cannot possibly agree with those which have had their seat in a place where the influence of the heavenly bodies does not penetrate;—but, which is our present subject, the more superficial crusts or formations of the earth appear to agree with the conversions of the sun, air, and waters, as far as solid and fixed bodies can agree with liquid and fluid—that is, not that they move towards the poles, but are pointed and turned towards the poles. For since every revolving sphere, which has fixed poles, participates of the nature of movable and fixed; after, by its consistency or self-determining nature, the rotatory force is bound up, still the force and tendency to direct itself remains, is augmented and gathered into one; so that direction and verticity to the poles in hard bodies is the same with the revolution on their poles in fluids.

The third inquiry remains. Whence and how ariseth that reciprocal action of the tides, once in six hours, which coincides with a quarter of the diurnal motion, with that difference to which we have adverted. To understand this, let us suppose that the whole globe was covered with water, as in the general deluge; we conceive the waters, as forming a complete and unbroken globe, would always roll in a progression from east to west each day to a certain extent: not certainly a great space, on account of the remission and deliberation of that motion as it approaches the earth, seeing the waters were nowhere obstructed or confined. Let us suppose, again, that the whole land was an island, and that it extended longitudinally between south and north, which confirmation and position most restrain and obstruct the motion from east to west; we think that the waters would keep on in their direct and natural course for a certain time, but, reverberated by the shores of that island, would roll back in equal intervals; that there would be, therefore, only one influx of the sea a day, and in like manner only one reflux, and that to each of these about twelve hours would be apportioned. And let us now suppose what is true and matter-of-fact, that the land is divided into two islands, those, namely, of the new and old world; for Australia, by its position, does not much alter the effect; as neither does Greenland nor Nova Zembla, and that these two islands extend through nearly three zones of the world, between which two oceans, the Atlantic and Southern, flow, and these nowhere find a thoroughfare, except towards the poles; we think it necessarily follows, that these two ramparts impart and communicate the character or double reaction to the entire mass of waters. Whence arises that motion in the quarter of a day,—so that the waters being cooped in on both sides, the ebb and flow of the sea would become visible twice a day, since there is a double advance, and also a double recoil. Now, if these two islands were extended through the waters like cylinders or columns, of equal dimensions, and with rectilinear shores, that motion might be easily perceptible, and might be pointed out to any one, which now seems to be perplexed and obscured by so great a variety of position of land and sea. For it is not difficult to form some

conjecture what degree of velocity it is proper to ascribe to that motion of the waters, and what distances it may describe in one day. For, if there be selected, in order to form a judgment of this matter, some of those coasts which are less mountainous, or low lying, and which are contiguous to the open sea, and then the measure of the space of the globe interjacent between the extreme points of the flux and reflux, and that space be quadrupled on account of the four movements of the tide each day, and that number again doubled on account of the tides at the opposite shores of the same ocean; and to this number there be something added over and above on account of the height of the shores, which always rise to a certain elevation above the channel of the sea; that calculation will give the space which this sphere of water, were it free from obstruction, and moving in progression round the enveloped globe of earth, would describe in one day, which certainly would not be great.

Now, with respect to that difference which coincides with the measure of the moon's motion, and forms the period of a lunar month; we think that the explanation is this, that the period of six hours is not the exact measure of this reaction, just as the diurnal motion of any of the planets is not accomplished in twenty-four hours precisely, and least of all that of the moon. Wherefore, the measure of the ebb and flow of the tide is not a quarter of the motion of the fixed stars, which is twenty-four hours, but a quarter of the diurnal motion of the moon.

DIRECTIONS.

Let it be inquired, whether the hour of the tide on the coast of Africa be before the hour of tide about the Straits of Gibraltar. Let it be inquired whether the hour of the tide about Norway is before the hour of the tide about Sweden, and that, in like manner, before the hour of the tide at Graveling?

Let it be inquired, whether the hour of the tide on the coast of Brazil be before the hour of the tide on the coast of New Spain and Florida?

Let it be inquired, whether the hour of the tide at the shores of China is not found nearly the same with the hour of tide on the coast of Peru, and with the hour of reflux on the coast of Africa and Florida?

Let it be inquired, how far the hour of tide on the coast of Peru differs from the hour of tide at the coast of New Spain; and particularly what are the differences of the hour of tide at either shore of the Isthmus of Darien, in America; again, how far the hour of tide on the coast of Peru corresponds with the hour of tide on the coast of China?

Let it be inquired respecting the largeness of the tides on different coasts, not merely respecting their periods or hours. For, although the largeness of tides is generally caused by the depressions of the shores, yet, notwithstanding, they are closely connected with the true principle of the motion of the sea, according as it is favourable or adverse.

Let inquiry be made with respect to the Caspian sea, which is formed by considerable bodies of water locked up, without any outlet into the ocean, if they are subject to ebb and flow, and what? our conjecture being that the waters of the Caspian Sea may have one tide a day, not two, and such that the eastern shores of it are deserted by the sea, while the western are overflowed.

And let inquiry be made, whether the increase of the tide at new and full moons and at the equinoxes, takes place at the same time in different parts of the world, (and when we say at the same time, we do not mean at the same hour, for the hours vary, according to the rapidity of the waters' motion towards the shores, as we have said,) but in the same day.

Limits. The inquiry is not extended to a full explanation of the harmony of the monthly motion of the sea with the moon's motion, whether that takes place from a subordinate or a joint cause.

Relations. The present inquiry is connected with the inquiry whether the earth revolves with the diurnal motion of the heavens. For if the tide is, so to speak, the last stage of the gradual diminution of the diurnal motion, it will follow, that the globe of the earth is immovable, or at least that its motion is slower by far than that of the water.

W. G. G.

TRANSLATION OF

THE ABECEDARIUM NATURÆ,

BY ARCHBISHOP TENNISON.

PUBLISHED IN THE BACONIANA, 1679.

THE SAME IN ENGLISH BY THE PUBLISHER.

A Fragment of a Book written by the Lord Verulam, and entitled, The Alphabet of Nature.

SEEING so many things are produced by the earth and waters; so many things pass through the air, and are received by it; so many things are changed and dissolved by fire; other inquisitions would be less perspicuous, unless the nature of those masses which so often occur, were well known and explained. To these we add inquisitions concerning celestial bodies, and meteors, seeing they are some of greater masses, and of the number of catholic bodies.*

Greater Masses.

The sixty-seventh inquisition. The threefold Tau, or concerning the earth.

The sixty-eighth inquisition. The threefold Upsilon, or concerning the water.

The sixty-ninth inquisition. The threefold Phi, or concerning the air.

The seventieth inquisition. The threefold Chi, or concerning the fire.

The seventy-first inquisition. The threefold Psi, or concerning celestial bodies.

The seventy-second inquisition. The threefold Omega, or concerning meteors.

Conditions of Entities.

There yet remain, as subjects of our inquiry, in our alphabet, the conditions of beings, which seem, as it were, transcendentals, and such as touch very little of the body of nature. Yet, by that manner of inquisition which we use, they will considerably illustrate the other objects.

First, therefore; seeing (as Democritus excellently observed) the nature of things is in the plenty of matter, and variety of individuals large, and (as he affirmeth) infinite; but in its coitions and species so finite, that it may seem narrow and poor; seeing so few species are found, either in actual being or impossibility, that they scarce make up a muster of a thousand; and seeing negatives subjoined to affirmatives, conduce much to the information of the understanding: it is fit that an inquisition be made concerning being, and not being. That is the seventy-third in order, and reckoned the fourfold Alpha.

Conditions of beings. The fourfold Alpha; or, concerning being, and not being.

Now, possible and impossible, are nothing else but conditions potential to being, or not potential to being. Of this the seventy-fourth inquisition consists, and is accounted the fourfold Beta.

Conditions of beings. The fourfold Beta; or, concerning possible and impossible.

Also, much, little; rare, ordinary; are conditions potential to being in quantity. Of them let the seventy-fifth inquisition consist, and be accounted the fourfold Gamma.

Conditions of beings. The fourfold Gamma; or, concerning much and little.

Durable and transitory, eternal and momentary, are potential to being in duration. Of these let the seventy-sixth inquisition consist, and be called the fourfold Delta.

Conditions of beings. The fourfold Delta; or, concerning durable and transitory.

Natural and monstrous, are potential to being, either by the course of nature, or by its deviations from it. Of these let the seventy-seventh inquisition consist, which is accounted the fourfold Epsilon.

Conditions of beings. The fourfold Epsilon; or, concerning what is natural or monstrous.

Natural and artificial, are potential to being, either with or without the operation of man. Of these let the seventy-eighth inquisition consist, and be accounted the fourfold Zeta.

Conditions of beings. The fourfold Zeta; or, of that which is natural and artificial.

We have not subjoined examples in the explication of the order of this our alphabet: for the inquisitions themselves contain the whole array of examples.

It is by no means intended, that the titles, ac-

* See the distribution, in l. 2, c. 3, de Augm. Scient. p. 134, 135, 136. Ed. Lugd. Bat. l. 3, c. 4, p. 231. And c. 4. Globi Intellect. p. 88, 89.

cording to which the order of this alphabet is disposed, should have so much authority given to them, as to be taken for true and fixed partitions of things. That were to profess we already knew the things after which we inquire; for no man does truly dispose of things into their several classes, who does not beforehand very well understand the nature of them. It is sufficient, if these titles be conveniently adapted to the order of inquiry; the thing which is at present designed.

The Rule or Form of the Alphabet.

After this manner we compose and dispose our alphabet:

We begin solely with history and experiments. These, if they exhibit an enumeration and series of particular things, are disposed into tables; otherwise, they are taken separately and by themselves.

But, seeing we are often at a loss for history and experiments, especially such as are luciferous, or instructive, and, as we call them, instances of the cross;* by which the understanding might be helped in the knowledge of the true causes of things: we propose the task of making new experiments. These may serve as a history in design. For what else is to be done by us who are but breaking the ice?

For the mode of any more abstruse experiment, we explain it, lest any mistake arise about it; and to the intent, also, that we may excite others to excogitate better methods.

Also, we interspect certain admonitions and cautions concerning such fallacies of things, and errors in invention, as we meet with in our way.

We subjoin our observations upon history and experiments, that the interpretation of nature may be the more in readiness and at hand.

Likewise, we lay down canons (but not such as are fixed and determined) and axioms which are, as it were, in embryo: such as offer themselves to us in the quality of inquirers, and not of judges. Such canons and axioms are profitable, though they appear not yet manifest, and upon all accounts true.

Lastly: we meditate sometimes certain essays of interpretation, though such as are low and of small advance, and by no means to be honoured (in our opinion) with the very name of interpretation.

For, what need have we of arrogance or imposture, seeing we have so often professed that we have not such a supply of history and experiments as is needful; and that, without these, the interpretation of nature cannot be brought to perfection. Wherefore, it is enough for us if we are not wanting to the beginning of things.

Now, for the sake of perspicuity and order, we prepare our way by avenues, which are a kind of prefaces to our inquisitions. Likewise, we interpose bonds of connection, that our inquisitions may not seem abrupt and disjointed.

Also, we suggest for use some hints of practice. Furthermore, we propose wishes of such things as are hitherto only desired and not had, together with those things which border on them, for the exciting the industry of man's mind.

Neither are we ignorant that those inquisitions are sometimes mutually entangled; so that some things of which we inquire, even the same things belong to several titles. But we will observe such measure, that (as far as may be) we may shun both the nauseousness of repetition, and the trouble of rejection, submitting, notwithstanding, to either of these, when, in an argument so obscure, there is necessity of so doing, in order to the more intelligible teaching of it.

This is the form and rule of our alphabet.

May God, the creator, preserver, and renewer of the universe, protect and govern this work, both in its ascent to his glory, and in its descent to the good of mankind, for the sake of his mercy and good will to men, through his only Son, Immanuel, God with us.

* See Nov. Organ., l. 2., Aph. 36.

TRANSLATION OF

CATALOGUE OF BODIES, ATTRACTIVE AND NOT ATTRACTIVE.

BY ARCHBISHOP TENNISON.

PUBLISHED IN THE BACONIANA, 1678.

If there be made a turn-pin of any metal, after the fashion of a magnetic needle, and amber be applied to one end of it, after having been gently rubbed, the pin will turn.

Amber heated by the fire, be it warmish, hot, or set on fire, it does not draw.

A little bar of iron red-hot, flame, a lighted candle, a hot coal, put nigh sheaves (or straws) or turn-pins, (or compass needles,) do not draw.

Amber, in a greater mass, if it be polite, draws, though not rubbed: in a lesser quantity, and in a less polite mass, it draws not without rubbing.

Crystal, lapis specularis, glass, and other such electric bodies, if burned, or scorched, draw not.

Pitch, the softer rosin, benjoin, asphaltum, camphire, galbanum, ammoniac, storax, assa, these draw not at all when the air is hot: but when it is cooler, they draw weakly, and so that we can just perceive them to do so.

Reeking air, blown-up amber, &c., from the mouth, or from a moister atmosphere, choketh the attractive virtue.

If a paper, or a piece of linen, be put between amber and chaff, there is no motion, or attraction made.

Amber, or other electrics, warmed by the sunbeams, have not their attractive virtue so awakened, as by rubbing.

Amber rubbed, and exposed to the beams of the sun, retains its attractive force the longer; and does not so soon lose it, as it would do in the shadow.

Heat derived from a burning-glass to amber, &c., does not help its attraction.

Sulphur, and hard wax, set on fire, do not draw.

Amber, when, immediately after rubbing, it is applied to a shiver, or a compass-needle, draws best of all.

The electric virtue is as vigorous, for a time, in its retention, as it was in its first attraction.

Flame (amber being put within the sphere of its activity) is not drawn by it.

A drop of water, amber being applied towards it, is drawn into a cone.

If electric bodies be rubbed too hard, their attraction is thereby hindered.

Those bodies, which in a clear sky do scarce draw, in a thick air move not at all.

Water put upon amber choketh its attractive force, though it draweth the water itself.

Fat* so encompassing amber, that it toucheth it, takes away its attraction; but being so put betwixt it and the object to be drawn, as not to touch it, it doth not take it away.

Oil put upon amber, hinders not its motion: neither doth amber, rubbed with the finger moistened with oil, lose its attractive virtue.

Amber, jeats, and the like, do more strongly excite, and longer retain the objects they draw, although the rubbing be but little. But diamonds, crystal, glass, ought to be rubbed longer, that they may appear hot, ere they be used for attraction.

Flames nigh to amber, though the distance be very small, are not drawn by it.

Amber, &c., draw the smoke of a lamp newly extinguished.

Amber draws smoke more strongly when it comes forth, and is more gross; and more weakly, when it ascends and becomes thinner.

A body drawn by electric bodies, is not manifestly altered, but only leans itself upon them.

* For by Sarca, I suppose, he meaneth Sarcia.

INQUISITION OF THE CONVERSIONS OF BODIES.

TRANSLATED BY A. BLAIR, ESQ., 1830.

Inquisition of the Conversions, Transmutations, Multiplications, and Productions of Bodies.

EARTH, by fire, is converted into bricks, which are of the nature of stones, and which we use for building, like stones. So with tiles.

Naphtha, which was that bituminous cement, wherewith the walls of Babylon were built, by time acquires exceedingly great hardness and firmness, equal to stone.

In clayey lands, where are pebbles and gravel, you shall find huge stones, concreted of pebbles and gravel, with stony matter interposed, as hard, or truly harder, than the pebbles themselves.

There are certain springs of water, wherein if you immerse wood, it shall be turned into the nature of stone; so as that the part sunk in the water shall become stone, the part above the water shall remain wood.

The viscous matter about the kidneys and bladder, in the human body, is converted into a pebble or stony matter. A stone, also, is often found in the gall-bladder; and sometimes, but this is most rare, in the vena porta.

Quære, how much time is required, that the matter of earth, in stone-quarries, may be converted into the stony nature?

Water, as there is reason to think, is changed into crystal; which may be seen in many caverns, where the crystal hangs in drops.

You may have an experiment of wood, or the stalks of plants, buried in quicksilver, whether they will harden, and, as it were, petrify, or no.

Report has much prevailed of a stone bred in the head of an old and great toad.

It is related that a certain nobleman, digging in the bed of his pool, found an egg turned into stone, the white and yolk retaining their proper colour; but the shell brightly sparkling, like a diamond exquisitely cut in faces.

Make experiment of some bodies, let down near to the bottom of a well, as wood, or other softer substances; but let them not touch the water, lest they rot.

They say that the white of an egg, through long insolation, or exposure in the sunbeams, has contracted the hardness of a stone.

Mud, in water, is converted in the shells of fishes, as in muscles,—(the fish) which are found in pools of fresh water, that flow not, and are covered with moss. But the substance of those shells is exceedingly delicate, clear, and glistening.

THE MASCULINE BIRTH OF TIME;

OR, THE

GREAT INSTAURATION OF MAN'S DOMINION OVER THE UNIVERSE.

To God the Father, God the Word, God the Holy Ghost, I address my most humbled and ardent prayers, that, mindful of the miseries of man, and of this pilgrimage of life, of which the days are few and evil, they would open up yet new sources of refreshment from the fountains of good, for the alleviation of our sorrows; and, also, that things divine may not in this be prejudiced by things human, nor from the opening up of the passages of sense, and the kindling of greater natural light, any infidelity or darkness may arise in our minds towards the mysteries of God; but rather that, by the understanding cleansed and purified from fantastic and vain ideas, yet wholly submissive and subjected to the divine oracles, those things which are of faith may be rendered to faith.

W. G. G.

TRANSLATION OF

THE MASCULINE BIRTH OF TIME;

OR,

THREE BOOKS CONCERNING THE INTERPRETATION OF NATURE.

1. THE PURIFICATION AND APPLICATION OF THE MIND.
2. THE LIGHT OF NATURE, OR METHOD OF INTERPRETATION.
3. NATURE ILLUMINATED, OR THE TRUTH OF THINGS.

C. I. *Legitimate Mode of Statement.*

I find, my son, that men in showing forth, and no less in concealing the knowledge which they think they have acquired, have not acted in a spirit of good faith and of duty. No less mischievous, though perhaps less shameful, is the error of those who, with good intentions, but little wisdom, are ignorant of the art and rules proper for setting forth their several subjects. We do not intend, however, to begin a complaint of either this perversity or ignorance in the expounders of knowledge. Had they, by unskilful teaching, broken down the weight of the subjects taught, it might, no doubt, have been matter of just indignation. But, in teaching inaptitude, it was natural to expect absurdity. I, however, far different from such instructors, intend to impart to you not fictions of imagination or shadows of words; not a mixture of religion; not certain commonplace observations, or certain well-known experiments adjusted to conformity with fanciful theories, but to bind, and place at your command, nature with her offspring about her; and can this be supposed a theme fit to be debased by pretension or unskilfulness, or other defective treatment. So may I exist, my son, and so may I extend the now deplorably narrow limits of man's dominion over the universe to the permitted boundaries, (which is the only object of my prayers among human things,) as I shall disclose to you these things with the fullest conviction, with the deepest forecast of my mind, and after the profoundest research into the present state of knowledge, in the method of all others the most legitimate. "And what," you will say, "is this legitimate method? Have done with artifice and circumlocution; show me the naked truth of your design, that I may be able to form a judgment for myself." I would, my dearest son, that matters were in such a state with you as to render this possible. Do you suppose that when all the entrances and passages to the minds of all men are infested and obstructed with the darkest idols, and these deep-seated and burned in, as it were, into their substance, that clear and smooth spaces can be found for receiving the true and natural rays of objects? A new process must be instituted, by which to insinuate ourselves into minds so entirely obstructed. For as the delusions of the insane are removed by art and ingenuity, but aggravated by violence and opposition, so must we adapt ourselves here to the universal insanity. What! do even those less difficult requisites pertaining to the legitimate method of delivering knowledge, appear to you such light and easy matters? That it be ingenuous, that is, afford no handle or occasion for error; that it have a certain native and inseparable quality, both to conciliate belief, and repel the injuries of time, so that the knowledge so delivered, like a vigorous and healthy plant, may daily shoot and thrive; that it appear to place itself in, and adapt itself to the situation of its proper and reasonable reader: whether I shall show in the sequel all these qualities or not, I appeal to futurity. W. G. G.

THE HISTORY AND FIRST INQUISITION OF

SOUND AND HEARING,

AND

TOUCHING THE FORM OF SOUND, AND THE SECRET PROCESS OF SOUND; OR THE WOOD OF SOUND AND HEARING.

Of the generation of sound, and the first percussion.

Of the lasting of sound, and of the perishing and extinction of sounds.

Of the confusion and perturbation of sounds.

Of the accessory aids and impediments of sounds.

Of the stay of sound, and the diversity of mediums.

Of the penetration of sounds.

Of the carriage of sounds, and their direction or spreading, and of the area which sound fills, together and severally.

Of the variety of the bodies, which yield sound; and the instruments; and of the species of sounds which occur.

Of the multiplication, majoration, diminution, and fraction of sounds.

Of the repercussion of sounds, and echo.

Of the consent and dissents of audibles and visibles, and of other (so called) spiritual species.

Of the quickness of the generation and extinction of sound, and the time in which they are effected.

Of the affinity or non-affinity which sound hath with the motion, local and perceptible, of the air in which it is carried.

Of the communication of the air percussed and elided, with the ambient air, and bodies, or their spirits.

Of the forming or articulation of sound.

Of the very impression of sounds upon the sense.

Of the organ of hearing, and its disposition and indisposition, helps, and hindrances.

The inquiry into sound and hearing I have thought well forthwith to set on foot; for it advantageth the understanding, and, as it were, makes matter of its health, that the contemplations of the spiritual species, as they call them, and of operations at distance, be mixed with the contemplation of those things, which work by communication only of the substance to the touch. Again, the observations concerning sounds have brought forth to us the art of music. But it is customary, and as it were invariable, when trials and observations have grown into art, that the mathematic and practic is pursued, the physic is left. Moreover, optic fareth some whit better; for not only the art of painting, and beauty, and symmetry are propounded unto optic, but the contemplation of all visibles; but unto music, only musical tones. Therefore we do inquire of sounds.

Of the Generation of Sound, and the First Percussion.

The collision, or elision, as they speak, meaning thereby some section or cutting of the air, which they will have to be the cause of sound, imports neither the form, nor the secret process of sound, but is a term of ignorance and superficial contemplation.

Sound is diffused and moves with so small an impulse in its generation; also so far, and that in round, not much depending on the first direction; withal so smoothly, without any evident motion, found either by flame, or by feathers and straws, or in any other manner; that it seems altogether hard that the form of sound should be any cutting, or local and perceptible motion of the air, howsoever this may hold the part of the efficient.

For that sound is so suddenly generated, and straightway dies, it seems necessary that either its generation do a little thrust the air from its nature, and its perishing restore it, as in the compressions of waters, whereas a body cast into the water makes many circles in the waters, that come of the water at first compressed, afterward restoring itself into its proper consistence and dimension; (which we have used to call the motion of liberty;) or that, contrariwise, the generation of sound be an impression pleasant and kindly, that winneth upon the air, and whereunto the air freely stirreth itself, and that its extinction be from some enmity, which suffers not the air longer to enjoy that agitation and impression; as in the generation of the very body of flame, wherein the generation of the flame appears to be made with alacrity, but by the air and other environing adversaries presently to be destroyed.

The whistling which is made by the mouth,

without use of a whistle, may be effected by sucking in of the breath toward the inner parts of the mouth, not only by expelling of the breath outwards; and clearly all sucking of the air inwards gives a sound, which seems exceeding worthy of remark: because the sound is generated against the perceptible motion of the air, so as the first impulsion of the air appears plainly to be the remote efficient, and no part of the form of sound.

In like manner, if there be an egg of glass taken, and the air through a small hole forcibly sucked out; then the hole stopped with wax, and it be laid by for a time; if afterwards the wax be removed from the hole, you shall hear plainly the hissing of the air entering into the egg, being drawn, to wit, by the inner air, after forcible rarefaction, restoring itself. So as in this trial also, sound is generated contrarily to the perceptible motion of the air.

In like manner, in the toy that is called a jew's-harp, holding the sides betwixt the teeth, the little tongue of iron is drawn outwards and jarred, when it flies back inwards against the air that is in the mouth, and thence is a sound created.

And in these three trials it may not be doubted but that sound is generated by the percussion of the air inwards towards the mouth on the egg of glass.

Sound is generated by percussions. The percussion is either of air against air, or of a hard body against the air, or of a hard body against a hard body.

The instance of the percussion of air against air chiefly prevails in the human voice, and in the voices of birds and of other animals; next in musical wind instruments; also in ordnance, greater and less, where the percussion that gives the sound is generated chiefly by the percussion of the confined air that issues from the mouth of the piece against the outer air; for the bullet wherewith it is charged makes not much to the noise. Neither is the percussion of a soft body against a soft body only seen in the percussion of air against air, but also of air against flame, as in the raising of a flame with bellows; also flames amongst themselves, when one drives another, yield a certain roaring; but whether the air assist here may be further inquired. Also, all flame that suddenly taketh, if it be of any greatness, makes a sound, rather, as I think, in displacing of the air than of itself. Also in eruptions, there is percussion made of the spirit breaking out against the air adjacent; as in the cracklings made by dry leaves, or bay-salt, and many other things, when cast into the fire; and in thunder, either by the spirit breaking out from the cloud, or wallowing and tossed to and fro, as in the more hollow and lengthened rolling of thunder; also we see in sport, that a fresh rose-leaf gathered together so as it shall contain air, and struck upon the back of the hand, or upon the forehead, cracks by eruption of the air.

Instances of the percussion of a hard body against the air, are seen in musical stringed instruments; in the whistling of an arrow, as it flies through the air; in the beating of the air, although it strike not any hard body; also, in regals, their sound is given by the air striking against water; in the pipe they call the nightingale-pipe, which gives a sound continually tumbling; in water agitated and restoring itself again; and in the toys wherewith children please themselves, (they call them cocks,) in imitation of the voices of birds; likewise in other hydraulics.

Instances of the percussion of a hard body against a hard body, are found either simply, or with communication of some air enclosed beside that air, which is cut or elided between the hard bodies percussed; simply, as in all hammering or knocking of hard bodies, with communication of air penned in, as in bells and drums.

A stone cast forcibly into the water gives a sound; as do the drops of rain falling upon the water, and no less wave dashing against wave, in which there is percussion betwixt a hard body and water.

It seemeth to be constant in the generation of all sound, that there are certain parts of air, and that air is required between the bodies percussed; which air, in the percussion of a hard body against the air, and of a hard body against a hard body, appears manifestly to be cut or elided. I judge that flame should suffice for this in the stead of air, as if in the midst of a great flame a bell should be rung, or stones knocked together; but in the percussion of air against air this elision or separation appears more dark, but the air seems only to be beaten and driven, and that in a soft voice, very gently. But it seems, even in this kind, to need that there be some elision of the air percussed by the air percussing: for even in air moved by a fan, the air from the side of the fan, and when air is blown out of bellows, the blast of air from the mouth, divides the other air. But concerning this kind of elision of the air, which happens when the percussion of air against air createth sound, as in the voice, let inquiry be made further.

It is well doubted, whether the percussion that produces sound, when the air is percussed by a string, or otherwise, be from the beginning, when the string starting back percusses the air, or a little after, the air, to wit, being compressed by the first percussion, and thereafter acting the part, as it were, of a hard body.

When sound is yielded by the percussion of air against air, it is required that there be an imprisoning or penning of the air in some concave, as in whistling by the mouth, in pipes, in the viol, in the voice; which is divided, where

the air is penned in the hollow of the mouth or throat. In the percussion of a hard body against air is required hardness of the body and quick motion, and sometimes communication with a concave, as in the cittern, lute, beating of the air, &c.; but in the percussion of a hard body against a hard body, the hollow, or the quick motion, is less required.

There is a talk of a white gunpowder, which should give percussion without noise. It is sure that nitre, which is white, is of great force for expulsion, yet in such wise as the speedy kindling doth much enhance both the percussion and the noise; but the quick kindling is caused specially by the coal of willows, which is black. Therefore, if a composition were made of sulphur and nitre, and a modicum of camphor, it is like that the kindling would be slower, and the percussion not so jarring and sharp; whence much might be diminished of the sound, but with loss too in the strength of the percussion. To be further inquired.

Of the Lasting of Sound, and its Perishing and Extinction.

The lasting of the sound of a bell that is struck, or of a string, which seems to be prolonged, and gradually to fade, comes not rightly of the first percussion, but the trembling of the body percussed generates in the air continually new sound. For, if that trembling be checked, and the bell or string stayed, the sound quickly dies; as in virginals, where, if the quill be dropped so that it touch the string, the sound ceases.

A bell hanging in the air gives a far louder and more enduring sound if it be chimed upon with a hammer on the outside, than if it stood fixed, and were in like manner chimed upon with a hammer. And of the more enduring sound the reason is rendered already, because it trembleth longer. But that even the first sound in the hanging bell is more resounding, in the standing less, would be further inquired.

Likewise a drinking cup of silver or of glass that is fillipped, if it be left alone, gives a sound louder and more lasting; but if the foot of the cup be steadied with the other hand, a far duller, and of shorter stay.

The sound which is yielded in the viol or cittern is plainly not made by the percussion between the finger, or the quill, and the string, or between the finger, or the quill, and the air, but by the finger impelling, and thereafter the string flying back, and in that recoil percussing the air. Therefore, when the string is moved with a bow, not by the finger, or a quill, the sound can be continued at pleasure, through the roughness of the string of the bow, which is a little smeared with rosin; whence it slides not on the string, nor once strikes it, but holds and continually tortureth it, out of which motion the sound is maintained.

It can be taken for an argument, that sound is manifestly some kind of local motion in the air, that it so suddenly fails; because, in all cutting or impulsion of the air, the air quite recovers and restores itself, which also water doth through many circles, albeit not so speedily as the air.

Of the Confusion and Perturbation of Sounds.

In the act of sight, visibles from one part impede not visibles from other parts; but all the visibles which offer themselves from every part, lands, waters, woods, the sun, buildings, men, are at once represented to the eyes. But, if so many voices or sounds did at once issue from several parts, the hearing should be plainly confounded, nor might distinctly perceive them.

The greater sound confoundeth the less, that it should not be heard; but spiritual species, as they speak of a diverse kind from sound, confuse not sound, but altogether and at once hang in the air, the one little or nothing troubling the other; as light, or colour, heat and cold, smells, magnetic virtues; all these together can hang in the air, nor yet do greatly hinder or disturb sounds.

The cause wherefore many visibles are at once represented unto the eyes, the one not confounding the other, would seem to be none other but this: that visibles are not seen except in a right line, but sounds are heard even in a line oblique, or arcuate. Therefore, as many objects in the area of the sphere of sight, as are conveyed, there be so many cones of beams, nor ever one cone doth coincide with another; neither do the vertices of the cones meet in the same point, because they are carried by right lines. But sounds, which are carried by lines, both right and arcuate, can meet easily in one point, and so are confused. The same seemeth to be the cause wherefore a more bright colour drowns not a more dim colour; nevertheless, a greater light obscures and hides a weaker light, because light is perceived in an arched line, like as sound. For, although the very flame of a candle be not seen except in a right line, yet does the light that is everywhere spread round attain to the sight in lines, arched in respect of the body of the candle: the like is the case of the sun, or flame. Now, if it be objected that neither is light itself seen except in a right line from air illuminated, it is true; but I think that this as well happens to sound: for neither is sound heard unless in right lines from some part of the sphere of sound, whither the first pulsation arrives. But colour, which is nothing other than the image unequally reflected of the light, spreadeth around so weak species, that it little or nothing tinges the air adjacent, unless where the colours are conveyed in right lines between the object and the eye.

Let there be a trial made with a double recorder, in which let there be two fipples, at each end one, so as they may be played in unison: the hollow

pipe being of a double length, and continued in one; let two together play the same tune at either end, and let it be noted whether the sound be confused, or amplified, or dulled.

Let there be two hollow trunks taken, and joined together crosswise, so as they shall open the one into the other, in the place where they are joined; and let two speak into the direct and transverse trunk, and let the ears of two be in like manner applied to the opposite ends, and observe whether the voices confuse one another.

Of the accessary Aids and Impediments of Sound; of the Stay of Sound; and the Diversity of Mediums.

I remember in a chamber in Cambridge that was something ruinous, that a pillar of iron was erected for a prop, of the thickness perhaps of a thumb's breadth and a half; and that this pillar, being struck with a stick or otherwise, made a little flat noise in the chamber wherein the pillar stood, but in the chamber beneath a resounding boom.

To inquire, which bodies, and of what solidity and thickness, altogether debar and shut out sound; as, also, which more or less dull, although they intercept it not wholly. For as yet is it not known which mediums interposed be more propitious, which more adverse. Therefore, let there be trial made in gold, stone, glass, cloth, water, oil, and of the thickness of each. Hereof is all need to inquire further.

Air is the aptest, and, as it were, the sole medium of sound. Again, the moister air (I judge) better conveyeth sound than the drier; but in a fog what happeneth I remember not. Also, the night air better than by day; but this can be ascribed to the silence.

Inquire touching the medium of flame, what its operation shall be in respect of sound; whether, to wit, a flame of some thickness altogether stop and intercept sound, or at least deaden it more than the air. This can be seen in bonfires.

Also, to inquire concerning the medium of air vehemently agitated. For, although wind carry sound, yet I deem that any vehement wind doth somewhat trouble sound, so as it shall be heard less far, even with the wind, than in still weather, of which let there be more inquiry made.

To see what sound brass or iron, red-hot, yields, struck with a hammer, compared to that which it gives cold.

Of the Penetration of Sounds.

The aëtites, or eagle stone, hath like a kernel or yolk of the stone, which being shaken makes a flat sound; so a hawk's bell, [stopped,] but a much clearer if there be a chink.

Let inquiry be made of divers, if they hear at all under water, especially that is of any deepness; and let this be distinctly inquired, not only whether they hear any sound at all from above, which is made in the air, but also, whether they hear the percussion of the body of the water within the water, where no air is. I have made this trial in a bath; a pail of a good size with the mouth turned over was, in such wise, pressed evenly down, as it carried the air fairly down with it, in its hollow, below the water, to the depth of a hand-breath; and in this manner the pail was held down with the hands, that it should not overturn nor rise: then a diver put his head within the pail, and did speak: his voice was heard, speaking; and even his speech was articulately distinguished, but wonderfully shrill, and almost like a whistling, as the voice useth to be heard in a play of puppets.

Let it be exactly inquired, so as it be clearly rendered positive whether sound can be generated, except there be air betwixt the percussing and the percussed body. As, if two pebbles hanging by a string be let down into a basin of water, or a river, and shaken, so as they shall strike together in the midst of the water; or let an open pair of tongs be thrust down into the water, and there knapped; and let it be noted whether they give a sound, and what. I do suppose that divers, in swimming, make no noise under the water; unless there may perchance be some, by the succession of motion under the surface of the water, and the water thence striking the air.

There is no doubt but in bladders tied, and not quite full, and shaken, there is a sound given, namely, of the liquor contained in them, and no less a sound is given on letting down a stone into water, when it strikes the bottom of the vessel. But in the former trial air is intermingled; in the second, the percussion of the bottom of the vessel by the stone communicates with the air without the vessel. But, after the first percussion, it needeth not that there be air intermediate through the whole area of the sphere deferent; for that is shown by the trial of one speaking in a pail under the water, where part of the deferent from the water is not air, but the wood of the pail, and the water; whence the sound is sharpened, and minished, and lost.

But, because it is manifest that sound passes through and penetrates hard bodies, (as potters' earth and glass;) and it is also most certain (although hitherto concealed from men's observation) that there is, in every tangible body, some pneumatical part, besides the gross parts intermixed, it is to be considered whether penetration of sound of this kind come not thence, for that the pneumatical or aerial parts of the tangible body communicate with the outer air.

Take a vessel of silver, and another of wood, full of water; take a pair of iron tongs, and knap them in the water in the vessels, at the distance of a thumb's breadth, perhaps, or more, from the

bottom: you shall hear the sound of the tongs knapped in the vessel of silver much more resounding than in the wooden one. Whereas, if the two vessels were empty, and you knapped the tongs at the same distance, there should be little difference, or none. Whence it appears, first, that where is no air that can be elided, but only water, sound is given; next, that the sound given by the percussion communicates better with the vessel through water than through air. The mouth being close shut, there is made a murmur (such as dumb persons use to make) by the throat; if the nostrils likewise be fast closed, no murmur can be made. Whence it appears, that that sound by the throat is not effected unless through the opening which lies between the throat and the nostrils.

Of the Carriage of Sounds, and their Direction or Spreading; and of the Area which Sound fills, together and severally.

All sound is diffused in a sphere from the place of the percussion, and fills the whole area of this sphere to a certain limit, upwards, downwards, sideways, and every way.

Throughout this orb the sound is loudest close to the stroke; thence, in the proportion of the distance, it grows more faint, until it vanishes. The limits of this sphere are extended some little by reason of the quickness of hearing; yet is there something uttermost, whither, to the most delicate sense, sound reaches not.

There is something, I think, in the direction of the first impulsion; for, if a man should stand in an open pulpit in the fields, and shout, the voice, I judge, should be further heard forwards from the speaker than behind. So, if ordnance, or a harquebuss be discharged, I judge that the sound shall be further heard before the ordnance or harquebuss than behind it.

Whether there be any thing in the ascension of sound upwards, or in the descension of sound downwards, which may further sound, or make it cease nearer, doth not appear. The sound is indeed well heard, if one speak from a high window or turret, by those who stand upon the ground; and, contrariwise, being uttered by those that stand upon the ground from the window or turret, but by whether more easily, or further off, let better inquiry be made.

Pulpits are used for speaking in assemblies, and generals did usually speak standing upon mounds of sods; yet is it is no wise hence confirmed that sound easilier descends than it rises, since the cause hereof may be the liberty of the air in the higher place, not thronged or hindered, as below amongst the crowd, but not the readier motion downwards. Therefore, let not the contemplation stay in this instance, but let a trial be made where other things are equal.

The power of the sound is received whole in every part of the air, not the whole in the whole air, unless where the opening or passage is exceedingly strait. For if one stand in any place utterly closed, so as the sound may not penetrate at all, and that in any part soever of a sphere of sound, and there be a small opening made, the articulate voice shall enter through that opening, and in fine through as many openings as you shall choose to make through the whole round of the sphere of sound: so as it is manifest that that whole articulation of sound is conveyed entire in these minutest parts of the air, not less than if the air were at large on every side.

It is, however, to be observed whether sounds proceeding from the greater pulsations of the air (such as are made by the discharge of ordnance) become not more exile when they enter by those small apertures; for it may be that the subtilties of sound shall enter unconfused, but the whole crash, or roar, not so well.

The rays of visible bodies do not strike the sense, unless they be conveyed through the medium in straight lines, and the interposition of any opaque, in a right line, intercepts the sight, although every thing else be on all sides wholly open. But sound, if there be a dilatation or passage, whether by arching over, or by inverted arching downwards, or laterally, or even by winding, perishes not, but arrives. Nevertheless, I judge that sound is more strongly carried in straight lines, betwixt the pulsations and the ear, and that by its archings and windings it is somewhat broken; as, if there be a wall betwixt the speaker and the hearer, I think that the voice shall not be so well heard as if the wall were away. I judge, too, that if the speaker or the hearer be placed at a little distance from the wall, the voice shall be better heard than nigh unto the wall, because the arching so much the less departs from a right line. But this also would be further inquired.

If the ear be laid to the one end of any tube or long hollow trunk, and a voice speak softly at the other opening of the tube, such a voice shall be heard, which, being as softly spoken in the air at large, should not arrive, nor be heard. Whence it is clear, that that confining of the air helps to the conveying of the voice, without confusion.

It is also a common opinion, that, other things being equal, the voice is better heard within doors than abroad; but whether the voice be better heard when the ear is out of doors, and the voice within the house; or contrariwise, when the voice is out of doors, and the ear within the house, may be further inquired; albeit herein also the opinion is received, that what is abroad is better heard within doors, than what is within, abroad.

It is common to hearing and sight, and, indeed, in a certain measure, to the other senses, that the attention of the perceiving mind, and express direction to perceiving, help somewhat to perceiv-

ing, as when one looks steadfastly, or (as they say) pricks his ears.

Sounds are not carried so far, articulate and distinct, as their species, and a confused coil of them; for the hum of voices can be heard where the articulate words themselves are not heard; and a confused tinkling of music, when the harmony itself or tune is not heard.

Sound is preserved, at the best, in a hollow trunk. Therefore let there be taken a hollow trunk of a good length, and let it be put out from the window of a lower chamber; let one speak by thrusting of his head out of the window, at one end of the trunk, as softly as ever he may: let another lay his ear to the other end of the trunk, standing below upon the ground: let this be done in like wise reversely, by speaking from below, and laying to of the ear above, and from this trial let a judgment be made, whether the voice ascend or descend more easily, or even alike. They deliver for certain, that there be some places and buildings so vaulted, that if one stand in a certain part of the chamber, and speak, he can be better heard at some distance than near.

All harmony appeareth to sound somewhat fuller and deeper at a little remoteness from the place of the sound than near; so as something should seem to happen to hearing about sound, like as happeneth to sight about visible species, that some removal from the organ of the sense furthereth the perception of the sense. But in that opinion may be twofold error. First, because in the act of sight there be, perhaps, beams required from the object to the pupil, which there cannot be where the object toucheth the pupil, which between the hearing and the sound is not required. But much rather, because to seeing is light needed. But an object touching the pupil intercepts the light; whereas nothing of this kind befalls to hearing. And, in the second place, because to sight there needeth not always a medium; forasmuch as, in the removing of cataracts of the eyes, the little silver needle wherewith the cataracts are removed, even when it moveth upon the pupil within the coat of the eye, is excellently seen.

In objects of sight, if the eye be placed in the dark, and the object in the light, it shall do well; but if the object be placed in the dark, and the eye in the light, you shall not see. So, if a thin veil or net-work be cast over the eyes, the object is well seen; if upon the object, it confounds sight. And albeit, that perhaps neither of these agreeth to sound and hearing, yet may they advertise us that trials be made, whether the ear set against the hollow trunk, if the sound be made at a distance in the air at large, or conversely, the sound be produced at the hollow trunk, the ear being placed at a distance in the air at large, favour more the perception of the sense.

Of the Variety of the Bodies which yield Sound; and the Instruments; and of the Species of Sounds which occur.

The kinds of sounds appear to receive such a division: loud, soft, sharp or treble, base; musical, unmusical; interior or whispering, exterior or sounding; simple, compounded, original, reflected; so as they are divisions six.

The stronger the first pulsation shall be, and the dilatation the more free, and without let, the greater is the sound given: the weaker the percussion, and more disturbed the dilatation, the less.

Treble sounds are carried as far, and perchance farther than base. Let this be better inquired.

Accordingly as the concave of a bell shall be greater, it giveth a baser sound; the less, the more treble.

The bigger a string, the baser sound it shall yield; the less, the more treble.

A string, the more tightly strained, the more treble sound shall it yield; the looser, the baser: so as a little bigger string more tightly strained, and a less more slackly, shall give the same note.

In trumpets, in like wise, in flutes, horns, and recorders, pipes, also in the mouth of a man whistling, the more narrow and straight they are, they give the more treble sound; the wider, or more open, the baser.

In flutes, the air, issuing by a hole nearer the breath, yields a more treble sound; by one more distant, a baser: so a little bigger flute by the nearer hole, and a smaller by the more removed, may give the same note.

In some stringed instruments (as in the viol, citterns, and the like) men have found a skill for the straining of the strings, beyond the first straining, so as compressing them with the fingers lower down or higher up, they strain them to the alteration of the note.

If a drinking-cup of glass or silver be taken and fillipped, if the water stand higher in the cup, and the cup be fuller, it will give a more treble sound; if lower, and the cup be more empty, a baser.

In a hollow pipe, such as they use for shooting of birds, if one whistle with the mouth, setting the mouth to one end of the tube, the sound is dulled, truly, to the bystander; but if the ear be laid to the other end, it gives a most sharp sound, so as it shall hardly be borne.

Let there be a trial made with a trunk, in the part where the ear is laid, narrow, in the part where the mouth is set, wider, and conversely; whether the sound be rendered more treble or baser, after the manner of mirrors, which contract or enlarge the objects of sight.

Of the Multiplication, Majoration, Diminution, and Fraction of Sound.

It would be seen in what, how, way, manner, sound can be artificially magnified and multiplied.

Mirrors do effect both in sight. Now, the sudden reflection of sound seems to turn to augmentation; for if the voice and echo be yielded together, need is that the sound be not distinguished, but magnified. Therefore, sounds upon rivers are greater, the water resounding and blending itself with the original sound.

I have also noted that when a round-house is made in water-conduits, then a long vault, and then a greater chamber, (such as is to be seen in the fields by Charing Cross near London,) if you cry at the window or slit of the round-house, and one stand by the window of the greater chamber, a far more fearful roaring is heard than by one standing where the cry is made.

I bethink me that in the play of puppets, the speaking is such as it is heard distinctly, but far sharper and more exile than in the air at large; as happens in mirrors that render letters far smaller than they are in the ordinary medium: so as sound appears plainly possible by art to be both amplified and rendered more exile.

Children hold the horn of a bent bow betwixt their teeth, and with an arrow strike the string, whence is produced a more resounding sound, and a far greater boom, than if the bow were not held in the teeth; which they ascribe to the consent which the bones of the teeth have with the bone of hearing; since, conversely also, by a certain harsh sound in the hearing, the teeth too be set on edge.

In like manner, let a lance touch the wood of the belly of an harp, especially of the hole in it at the hollow end, and be held with the teeth at the other end, and the harp struck; the sound is made greater by taking hold with the teeth, that is to say, to him that so taketh hold.

It is most assured (however unnoted) that the force, which after the first percussion carries on balls, or arrows, or darts, and the like, is situated in the minute parts of the body discharged, and not in the air continually carrying it, like a boat in the water. This being premised, it may be considered whether sound might not be lessened in ordnance or a harquebuss, without much weakening of the percussion, in this manner. Let there be a harquebuss made with a barrel of a pretty strength, so as it break not easily; in the barrel let there be four or five holes made, not like chinks, but round, about the middle of the barrel. The percussion hath already gotten its force, excepting so far as by reason of the length of the barrel it may be increased; but the percussion of the air at the mouth of the harquebuss, which generates the sound, will be much attenuated by the emission of sound through those holes in the middle of the barrel, before that the air enclosed arrive at the mouth of the harquebuss. Therefore it is probable that the sound and boom shall by many parts be diminished.

Of the Repercussion of Sounds and Echo.

The repercussion of sounds (which we call echo) can be taken for an argument that sound is not a local motion of the air; for if it were, the repercussion should be made in manner conformable to the original, as happens in all corporeal repercussions. But in sound, wherein such an exact generation is required, as in the voice, which hath so many organs, and in musical instruments, which be curiously framed, the things which yield the repercussed sound have nothing such, but are merely rude, having almost nothing save this, that sound passes not through them.

Of the Consents and Dissents of Audibles and Visibles, and of other so called Spiritual Species.

They agree in these:

Both are diffused in a spherical compass or orb, and fill the whole area of that sphere, and are carried to very distant spaces, and wax faint by degrees, according to the distance of the object, then vanish. Both carry their figurations and differences into minute portions of their orb, entire and unconfused, so as they are perceived through small crannies no otherwise than in an open place.

Both are of exceedingly sudden and swift generation and dilatation, and conversely they are extinguished, and perish suddenly and quickly.

Both take and convey minute and exquisite differences, as of colours, figures, motions, distances, in visibles; of articulate voices, of musical tones, and of their swift changes and trepidation, in audibles.

Both, in their virtue and force, appear neither to emit any corporeal substance into their mediums or their orb, nor even to give forth or provoke a local perceptible motion in their mediums, but to convey certain spiritual species, of which the nature and manner is unknown.

Both appear to be not generative of any other virtue or quality besides their proper virtue, and so far to work, being else barren.

Both in their proper action appear, as if corporeally, to work three things. The first, that the stronger object drowns and confounds the weaker; as the light of the sun, the light of a candle, the report of ordnance, the voice. The second, that the more excellent object destroys the weaker sense; as the light of the sun, the eye, a violent sound close at the ear, the hearing. The third, that both are repercussed, as in mirrors and the echo.

Neither doth the object of the one confound or hinder the object of the other; as light or colour, sound, or contrariwise.

Both affect the sense in animals, and that by objects in greater or less degrees grateful or odious: but they affect also after their own man-

ner inanimates proportionate, and having (as seemeth) a conformity with the organs of the senses; as colours, a mirror, that is crystalline like the eye; sounds, the places of reverberation, which seem, likewise, to resemble the bone and cavern of the ear.

Both work diversely, accordingly as they have their mediums well or ill disposed.

To both the medium the most conducible and propitious is the air. In both the stretching of the sense, and, as it were, its erection to perceiving, availeth somewhat in more nice objects.

They differ in these:

The species of visibles appear to be as if emissions of beams from the visible body, almost like odours. But the species of audibles appear more to partake of a local motion, like the percussions which are made in the air: that, whereas bodies for the most part work in two manners, by communication of their nature, or by an impression or signature of their motion, that diffusion in visibles appeareth more to partake of the former manner; in audibles, of the latter.

The dilatation of sounds appears to be more evidently carried by the air than of visibles. For I judge that a vehement wind shall not so much hinder any visible afar off, as a sound; I understand the wind blowing contrary.

It is a notable difference, whence also many less differences flow, that visibles (original light excepted) are not carried but by right lines, whilst sounds are carried by arcuate lines.

Hence it happens, that visibles confound not one another, that are represented together: sounds contrarily. Hence it happens, that the solidity of the substance seems not greatly to hinder sight, provided only the positions of the parts of the body be after a simple order and with straight passages, as in glass, water, crystal, diamond; but a little silk or linen cloth breaks the sight, though they be bodies very thin and porous; but cloths of this kind little or nothing hinder hearing, which those solids do exceedingly. Hence it happens, that unto the reverberation of visibles a small mirror suffices, or like transpicuous body, let it be only placed in a right line, where the visibles pass; but unto making of the reverberation of echo, it needeth also to confine the sound from the side, because it is carried to all sides. The visible object is further carried, in proportion, than sound.

Visibles, too nearly approached to the eye, are not so well seen as at some little distance, so as the beams may meet in a more acute angle; but in hearing, the nearer the better. But herein there may be twofold error. The first, because to seeing there is required light; but if the object be brought very near to the eye, this is shut out. For I have heard of one trustworthy, which was cured of cataracts of the eyes, when the little silver needle moved over the very pupil of his eye, and did touch it, he, without any medium, (that silver needle being far narrower than the pupil itself of the eye,) saw perfectly the needle. The second, that the cave of the ear is distinctly interposed before the organ of hearing, so as, being without, the sound is altogether unable to touch the bone and membrane of hearing.

The species of sight are more swiftly conveyed than sounds, as appeareth in the flash and report of guns; also in lightning and thunder, where the thunder is heard after a while.

I conceive also that the species of sound do hang longer in the air than visibles. For, although neither do these perish on the instant, as we see in a ring spinning, and lute-strings fillipped, and in twilight and the like; yet I deem that sounds, for that they are carried by the wind, stay longer.

The beams of light being gathered, induce heat also, which is an action diverse from the visible quality. In like manner, if it be true that shouts have cast down birds flying over, that is also an action exceedingly diverse from the audible quality.

There seemeth not in visibles to be found an object as odious, and noisome to the sense, as in audibles; but they affect it more evenly; for things foul to sight rather offend by moving of the fancy concerning foul things than of themselves; but in audibles the grating of a saw that is sharpened, and other like sounds, cause a horror; and a discordant note in music is straightways refused and loathed.

It is not assured, that there is refraction in sounds, as in beams. But, doubtless, sounds do rebound; but that is to be ascribed to reflection. For, I do not think, if sounds pass through diverse mediums, as air, cloth, wood, that there be one place of the sound, where it is carried, another where it is heard, which is the property of refraction; but refraction seems to depend upon action, in right lines, which pertains not to sound.

But contraction of sound, and its dilatation, according to the disposition of the medium, happens, undoubtedly, as in the speaking of puppets, and under water: the sound is contracted within that cell, which abroad is dispersed; as by mirrors visibles are dilated and contracted.

A tremulous medium (as smoke in visibles) makes the visible objects also to tremble; but in sounds nothing such is yet found, unless, perchance, the rise and fall by winds. For the trembling in the nightingale-pipe is trembling of the percussion, not of the medium.

Going from great light into the dark, or out of the dark into the light, the sight is some little confused; but whether the like be after very loud noises, or a great silence, would be inquired.

Of the Quickness of the Generation and Extinction of Sound, and the time in which they are effected.

All sound is exceeding quickly generated, and quickly perishes. But the swiftness of its motion and of its differences, appears a thing not so wonderful. For the motion of the fingers upon a lute, or of the breath in the pipe or flute, are found to be exceedingly swift: and the tongue itself (no very exquisite organ) goes through as many motions as letters; but that sounds should not only be so speedily generated but that they should also, by their momentary force and impression, as it were, suddenly fill so great space, is matter worthy of the highest admiration. For instance, a man in the middle of a field, speaking aloud, is heard for a quarter of a mile, in a round, and that in articulate words, and these hanging in every little portion of the air, and all in a space of time far less, perhaps, than a minute.

To inquire of the space of time in which sound is conveyed. It can be found thus. Let a man stand in a steeple by night; let another stand in the field, a mile off, perhaps, or as far as the bell can be heard, and let him have ready a torch lighted, but covered. Then let him in the steeple strike the bell: then let the other, who stands in the plain, as soon as he hears it, lift the torch: in this way, by the space of time between the striking of the bell and the seeing of the torch, shall he that stands in the steeple discover the time of the motion of the sound.

In guns, the flame is seen sooner than the report is heard, although the flame follow the discharging of the ball; so as the flash issues later, but sooner strikes the sense. Whence it is rightly gathered, that the beams visible are more speedily diffused, and arrive, than the species or impressions of sound.

Of the Affinity, or Non-affinity, which Sound hath with the Motion, local and perceptible, of the Air in which it is carried.

Sound doth not appear manifestly and actually to shake and trouble the air, as doth wind; but the motions of sound appear to be effected by spiritual species; for thus we must speak, until something more assured shall be found.

So as I conceive that a very loud sound of one shouting, at a little distance from the very motion of the breath, shall scarcely stir any trembling aspen leaf, or straw, or flame.

But in greater pulsations there is found a very bodily and actual motion of the air; but whether that proceed from the motion itself which generates sound, or from a collateral cause, or some concomitants, appeareth not. Thunder-claps sometimes make glass windows to tremble, and even walls: I think, also, that ordnance let off, or explosions of mines, do the same.

And I remember, if I mistake not, that there is, at King's College, in Cambridge, a certain wooden building, in which there hang bells, and that when the bells ring, it is shaken. But whatsoever that hidden motion be, which is sound, it appears that neither is it engendered without perceptible motion in the first pulsation, and that again by the perceptible motion of the air it is carried or hindered.

A word quietly uttered, which at a distance perhaps of thirty feet can be heard, will yet hardly stir the flame of a candle, that is held within a foot of the mouth; whilst blowing a little strongly with the mouth, shall make the flame to waver, at a much greater distance.

The sound of bells, and the like, comes louder, and goes off more dully, as the wind blows towards the ear, or against the sound. The same happens in a shout, which being uttered against the wind, is not heard so far.

It is delivered, that through vast shouts of numbers applauding and cries of rejoicing, the air has been so broken or rarefied, that birds flying over have fallen down. There runs an opinion that the noise of many bells ringing in populous cities is good against thunder and pestilence.

Some places and buildings are certainly reported to be so vaulted, that if one speak in them, and (as the report hath it) against the wall, in one part of the building, his words shall be better heard at some distance from the voice than close at hand.

I have observed, sitting in a coach with one side of the boot down, and the other up, that a beggar crying on the closed side of the coach hath seemed to cry on the open side; so as the voice was plainly repercussed, and went round, or at the least, whilst it sounded on all sides, it seemed to be heard on that side, on which it did best reach the sense.

If a candle be held to the wind-hole of a drum, and the drum be beat, the flame is shaken and extinguished. The same happens in winding of a hunter's horn, if the candle be brought near the mouth of the horn, &c.

Even the exquisite differences which sound takes, and carries them with it, show that these delicate affections are not continued local motions. For seals, in a matter fitly prepared, make exquisite impressions; so as in the generation of sound this same, perhaps, might happen. But the dilatation and continuance sort not, especially in liquids: but those exquisite differences we understand of articulate voices and musical tones.

But of this matter altogether (*videlicet*, what relation and correspondency sound has to the local motion of the air) let inquiry be more diligently made; not by the way, *whether?* (which sort of question in matters of this kind has ruined all,) but by the way, *how far?* and that not by arguments discursive, but by opposite experiments and crucial instances.

Of the Communication of the Air percussed and elided with the ambient Air, and Bodies, or their Spirits.

In the striking of a bell, the sound given by chiming upon the bell with a hammer on the outside, and by the tongue within, is of the same tone. So that the sound yielded by the chiming upon the outside, cannot be generated by the collision of the air between the hammer and the outside of the bell, since it is according to the concave of the bell within. And if it were a flat plate of brass, and not concave, the sound should, I think, be different.

If there be a rift in the bell, it gives a hoarse sound, not pleasant or grateful.

It would be known how the thickness of the percussed body may affect the sound, and how far forth: as if, of the same concave, one bell should be thicker, another thinner. I have proved in a bell of gold, that it gave an excellent sound, nothing worse, yea, better, than a bell of silver or of brass. But money of gold rings not so well as money of silver.

Empty casks yield a deep and resounding sound, full ones a dull and dead sound. But in the viol, and the lute, and other such, although the first percussion be between the string and the exterior air, yet that air straight communicates with the air in the belly, or concave of the viol or lute. Wherefore, in instruments of this kind is ever some perforation made, that the outward air may communicate with the confined air, without which, the sound would be dull and dead.

Let there be a trial made of the nightingale-pipe, that it be filled with oil, and not with water; and let it be noted, how much softer or more obtuse the sound shall be.

When sound is created between the breath and the percussed air, as in a pipe, or flute, it is yet so produced, as it hath some communication with the body of the flute, or pipe. For there is one sound produced in a trumpet of wood, another in one of brass; another, I judge, if the trumpet were lined within, or perhaps even covered, on the outside, with silk or cloth: one perchance if the trumpet were wet, another if dry. I conceive, likewise, in virginals, or the viol, if the board upon which the strings are strained were of brass, or of silver, it should yield a somewhat different sound. But of all these things let there be better inquiry.

Further, in respect of the communication, it would be enquired, what the diversity and inequality of bodies may do; as if three bells should be made to hang, the one within the other, with some space of air interposed, and the outer bell were chimed upon with a hammer, what sound it should give, in respect of a single bell.

Let a bell be covered on the outside with cloth or silk, and let it be noted, when the bell is struck by the tongue within, what that covering shall do to the sound.

If there were in a viol a plate of brass, or of silver, pierced with holes, in place of that of wood, it would be seen what this shall do to the sound.

There are used in Denmark, and are even brought hither, drums of brass, not of wood, less than those of wood, and they give, I think, a louder sound.

The agitation of the air by great winds shall not, I think, yield much sound, if woods, waves, buildings, or the like be away; yet is it received that, before tempests, there be some murmurings made in woods, albeit to the sense the blast be not yet perceived, nor do the leaves stir.*

* Three chapters are deficient, which there wanted leisure to completing.

GENERAL INDEX.

THE END.